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March 12, 2010

VIA MESSENGER

Ms. Leslie A. Kirby-Miles
Associate Regional Counsel
Office of Regional Counsel (C-14J)
U.S. Environmental Protection Agency
77 W. Jackson Blvd.
Chicago IL 60604

EPA Region 5 Records Ctr.



362964

**NCR Corporation's Response to the February 9, 2010 Request for
Information Concerning the Allied Paper/Portage Creek/Kalamazoo River Superfund Site**

Dear Ms. Kirby-Miles:

This letter, the attached Response, and the accompanying documents constitute the response of NCR Corporation to the U.S. Environmental Protection Agency's February 9, 2010 Information Request, received by NCR on February 11, 2010.

Sincerely,

A handwritten signature in black ink, appearing to read "Edward Gallagher", with a long, sweeping horizontal line extending to the right.
Edward Gallagher

Enclosures

**RESPONSE OF NCR CORPORATION
TO THE U.S. ENVIRONMENTAL PROTECTION AGENCY'S
REQUEST FOR INFORMATION, DATED FEBRUARY 9, 2010**

NCR Corporation ("NCR") hereby responds to the February 9, 2010 Request for Information ("Information Request") from the United States Environmental Protection Agency ("EPA"), received by NCR on February 11, 2010.

On June 10, 2003, NCR provided its response to EPA's Information Request dated April 9, 2003, relating to the Kalamazoo River area. In its February 9, 2010 Information Request, EPA has asked that NCR "revisit" its June 10, 2003 response, as well as provide responses to a Supplemental Information Request. NCR has not located any additional information or records responsive to the April 3, 2003 Information Request, and hereby incorporates by reference its June 10, 2003 responses and objections thereto.

NCR expressly denies any liability for alleged response costs, damages to natural resources, restoration costs, or other damages or costs arising out of alleged contamination of the Kalamazoo River area. Nothing in the following responses to the Information Request should be construed as a waiver of any defenses that may be available to NCR, including but not limited to defenses under any state or federal statute, judicial decision, rule, regulation or policy.

Subject to and without waiving any of the objections stated subsequently in this Response, NCR responds as follows:

GENERAL RESPONSE

Carbonless copy paper coated with emulsions containing PCBs ("PCB-containing CCP") was manufactured at two plants in Wisconsin, a paper coating facility in Appleton, Wisconsin (the "Appleton Plant"), and a paper mill in Combined Locks, Wisconsin (the "Combined Locks Mill"). NCR acquired the Appleton Plant in 1970 and the Combined Locks mill in 1969. In 1978, both facilities were sold to Lenthier, Inc., which subsequently changed its name to Appleton Papers Inc.

Commercial production of PCB-containing CCP began at the Appleton Plant in 1954. PCB-containing CCP was manufactured at the Combined Locks Mill on a handful of dates between 1964 and 1966, and again beginning in 1969. Production of PCB-containing CCP was discontinued no later than April 1971.

In response to the Information Request, NCR conducted a diligent search to try to locate records or other documentation evidencing sales of PCB-containing CCP broke from the Appleton Plant or the Combined Locks Mill to secondary fiber mills in the Kalamazoo, Michigan area, beyond that which was produced in response to the 2003 information request. No additional records were found. All the documents in NCR's possession concerning the manufacture and handling of PCB-containing CCP and PCB-containing CCP broke at the Appleton Plant and the Combined Locks Mill are contained in (1) the documents NCR produced

to the Department of the Interior and EPA in connection with the Fox River matter; and (2) the documents produced in the pending litigation in the Eastern District of Wisconsin, *Appleton Papers Inc. and NCR Corp. v. Geo. A. Whiting Paper Co., et al.* (Case No. 08-16) (the “*Whiting* litigation”), which the United States has also received. NCR has searched these documents and did not locate any other records evidencing sales of PCB-containing CCP broke from the Appleton Plant or the Combined Locks Mill to secondary fiber mills in the Kalamazoo, Michigan area.

As for Attachment A to the Information Request, NCR has been unable to confirm the authenticity or meaning of this document. The document did not come from NCR’s files. Instead, it was produced in the *Whiting* litigation from the files of a third-party. NCR has tried to reach Mr. Heinritz to discuss Attachment A, but he has not returned counsel’s phone calls or correspondence. In a deposition taken in the *Whiting* litigation, Mr. Heinritz testified that PCB-containing CCP broke may have been sold to certain facilities along the Lower Fox River. He did not testify to any shipments of PCB-containing CCP broke outside the Lower Fox River area. A copy of his deposition, bates numbered KAL000137 – KAL 000272, is enclosed.

OBJECTIONS

1. NCR objects to the Information Request to the extent it seeks information that is not relevant to alleged contamination in the Kalamazoo River area and is not calculated to lead to the discovery of relevant information.
2. NCR objects to the Information Request to the extent it seeks information beyond the scope of the categories of information set forth in Section 104(e)(2).
3. NCR objects to Requests 4 and 5 to the extent they are not restricted by geographic area to the Kalamazoo River. NCR has construed these Requests to be limited to the Appleton Plant, the Combined Locks Mill, and/or facilities along the Kalamazoo River.
4. NCR objects to the Information Request to the extent it seeks information concerning broke or carbonless copy paper that did not contain PCBs. NCR has interpreted the Information Request as referring only to PCB-containing CCP and PCB-containing CCP broke.
5. NCR objects to the Information Request to the extent it is unduly burdensome, oppressive, overbroad, and unreasonable.
6. NCR objects to the Information Request to the extent it seeks information protected by the attorney-client privilege, the attorney work product rule, or any other applicable privilege or rule that protects such information from disclosure.
7. NCR objects to the Information Request to the extent it seeks information or documents already in the public domain or already in the possession of EPA or any other federal agency.

8. NCR objects to certain terms and phrases used in the Information Request, including "NCR paper broke," on the ground that it is ambiguous and subject to multiple interpretations.

9. NCR objects to the Information Request to the extent that EPA does not have the authority to require NCR to contact its former employees in responding to the Information Request.

SPECIFIC RESPONSES

Request No. 1: Identify all persons consulted in the preparation of the answers to these Information Requests.

Response to Request No. 1: There are no current employees of NCR who have direct personal knowledge of the operations of the Appleton Plant or the Combined Locks Mill prior to time that the use of PCBs in carbonless copy paper was discontinued. Accordingly, NCR's only sources of potentially responsive information would be NCR's historical records and the documents produced in connection with the *Whiting* litigation. To determine if these sources contained any such information, NCR consulted with the following:

Jeffrey Opt
NCR Archivist
Dayton History
224 North Saint Clair Street
Dayton, Ohio

Marilyn Burns
Records Management Clerk
CB Richard Ellis
c/o NCR Corporation
1700 S. Patterson Blvd.
Dayton, OH 45479

Rebecca Young
NCR Corporation
Law Department, WHQ-4
1700 So. Patterson Blvd.
Dayton, OH 45479

Elizabeth Wright
NCR Corporation
Law Department, WHQ-4
1700 So. Patterson Blvd.
Dayton, OH 45479

John Hartje
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Edward Gallagher
NCR Corporation
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1700 So. Patterson Blvd.
Dayton, OH 45479

Evan Westerfield
Eric Ha
Maggie Sobota
Sidley Austin LLP
One South Dearborn
Chicago, IL 60603

In addition, NCR did attempt to contact Mr. Fred Heinritz, whose name appears on Attachment A. Mr. Heinritz was represented by NCR's counsel at a deposition in the *Whiting* litigation in February 2009. Mr. Heinritz has not returned counsel's phone calls or correspondence.

Request No. 2: Identify all documents consulted, examined, or referred to in the preparation of the answers to these Information Requests, and provide copies of all such documents.

Response to Request No. 2: See General Response and Response to Request 4.

Request No. 3: If you have reason to believe that there may be persons able to provide a more detailed or complete response to any Information Request or who may be able to provide additional responsive documents, identify such persons.

Response to Request No. 3: Recovered fiber brokers that purchased PCB-containing CCP broke from the Appleton Plant and/or the Combined Locks Mill may possess responsive information. Brokers that may have purchased PCB-containing CCP broke from the Appleton Plant or the Combined Locks Mill include:

Leo Golper
Golper Supply Company
331 East Washington St.
Appleton, WI

National Fiber Supply Co.
Chicago, IL

Continental Paper Grading Co.
2 N. LaSalle St., Ste 1300
Chicago, IL

Donco Paper Supply Co.
737 N. Michigan Ave., Ste. 1450
Chicago, IL

Request No. 4: Identify the acts or omissions of any persons, other than your employees, contractors, or agents, that may have caused the release or threat of release of hazardous substances, pollutants, or contaminants, and damages resulting there from.

Response to Request No. 4: NCR specifically objects to this Request as overbroad and not limited to any geographic area. NCR has construed this Request as relating only to facilities along the Kalamazoo River. Subject to the foregoing, NCR states that it is aware that there are publicly available reports and other records documenting the history and background of the Kalamazoo River area contamination, many of which were authored by or on behalf of EPA in connection with certain ongoing activity at the site. As all of these documents are publicly available to the government, NCR is not re-producing such documents. NCR is also aware of published judicial decisions relating to the Kalamazoo River area contamination. All of these documents also are publicly available to the government, and accordingly NCR is not re-producing such documents. Finally, documents relating to the acts and omissions of others that resulted in the release of PCBs into the Kalamazoo River have been produced by other parties in the *Whiting* litigation. All of these documents have been produced directly to the government already, and accordingly NCR is not re-producing such documents. Other than the above documents, no other records responsive to this Request were located.

Request No. 5: Identify all persons having knowledge or information about the generation, transportation, treatment, disposal, or other handling of hazardous substances by you, your contractors, or by prior owners and/operators [*sic*].

Response to Request No. 5: NCR specifically objects to this Request as overbroad and not limited to any geographic area. NCR has construed this Request as seeking information concerning the generation, transportation, treatment, disposal, or other handling of PCBs at the Appleton Plant and the Combined Locks Mill. Subject to the foregoing, NCR states that the persons most likely to have personal knowledge relating to the subject matter of this Request are listed on the Rule 26(a) initial disclosures provided by NCR in the *Whiting* litigation. Please note that many of these individuals are represented by counsel. These individuals include:

Lester Balster
2715 South Greenview Street
Appleton, WI

Jerome Bodmer
1401 E. Frances St.
Appleton, WI

Bruce Brockett
1681 Tonya Trail
Neenah, WI

Larry Casey
312 W Michigan St.
Appleton, WI

Don Christensen
60 River Dr.
Appleton, WI

Thomas Clark
7 Firethorn Road
Cherry Hill, NJ

Al Pashke
N3765 French Rd.
Appleton, WI

Paul Phillips
12904 West Amigo Drive
Sun City West, AZ

Earl Porter
2231 Walton Ct.
Kaukauna, WI

Carl Rench
7060 Fallen Oak Trace
Centerville OH

Dale Schumaker
519 Wayfarer Ct.
Appleton, WI

Helmut Schwab
136 Crest View Dr.
Appleton, WI

Bill Goetz
306 W. Michigan St.
Appleton, WI

Ken Grode
W1683 Woller Drive
Kaukauna, WI

Fred Heinritz
1105 E. Eldorado St.
Appleton, WI

James Herbig
3145 Whitetail Ln.
Oshkosh, WI

James Hermes
536 Harrison St
Little Chute, WI

Robert Hietpas
401 W. Winrowe Dr.
Appleton, WI

Ron Jezerc
700 E. McArthur St.
Appleton, WI

Alan Kresch
3214 South Poplar Lane
Appleton, WI

Paul McCann
2301 Schaefer Circle
Appleton, WI

Robert McLennan
1817 North McDonald St.
Appleton, WI

Dan McIntosh
234 Lakeshore Ave.
Neenah, WI

Frank McKinney
N2610 Chalet Dr.
Appleton, WI

Michael Stevens
314 E. Glendale
Appleton, WI

Floyd Strelow
225 Cambridge Ct
Hardy, VA

Joseph A. Strick
316 Hidden Ridges Ct.
Combined Locks, WI

John Stutz
N2595 S. Hample Rd.
Appleton, WI

Bob Suess
347 Bellin St.
Neenah, WI

Tom Sullivan
N 5064 DePot Road
New London, WI

Gerald L. Taylor
115 Fairidge Ct.
Kernersville NC

Gordon Taylor
7600 King's Run Rd.
Centerville OH

Ken Verstegen
1510 Franklin St.
Little Chute, WI

G.G. Vichare
3958 Germantown Road
Edgewater, MD

John Whalen
2407 South Clover Ln.
Appleton, WI

Roger Wilke
1227 W Cherrywood Ct.
Appleton, WI

Roland Meyer
653 Applevue Ln.
Duncansville, PA

Clarence Yunk
806 Emily St.
Menasha, WI

Bill Mys
1203 Montclair Ct.
Appleton, WI

Request No. 6: Identify each shipment of NCR paper broke that was sent from an NCR owned or operated facility (including but not limited to NCR's Appleton, Wisconsin facility), directly or indirectly through a waste paper broker, to any of the secondary fiber pulp and paper mills located on or near the Kalamazoo River in Michigan. For each such shipment, identify: (a) the date (month and year) of the shipment; (b) the amount (in pounds) of NCR paper broke shipped; and (c) the name and address of the entity to which the shipment was sent.

Response to Request No. 6: See General Response.

Dated: March 12, 2010

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN
GREEN BAY DIVISION

APPLETON PAPERS, INC., and
NCR CORPORATION,

Plaintiffs,

vs.

Case No. 2:08-CV-00016-WCG

GEORGE A. WHITING PAPER COMPANY, et al.,

Defendants.

Deposition of FRED T. HEINRITZ
Wednesday, January 28th, 2009

9:51 a.m.

at

Hilton Garden Inn
720 Eisenhower Drive
Kimberly, Wisconsin

Reported by Sarah A. Hart, RPR/RMR/CRR

1 Deposition of FRED T. HEINRITZ, a witness
2 in the above-entitled action, taken at the instance
3 of the Defendants, pursuant to the Federal Rules of
4 Civil Procedure, pursuant to notice, before Sarah A.
5 Hart, RPR/RMR/CRR and Notary Public, State of
6 Wisconsin, at 720 Eisenhower Drive, Kimberly,
7 Wisconsin, on the 28th day of January, 2009,
8 commencing at 9:51 a.m. and concluding at 12:52 p.m.

9 A P P E A R A N C E S:

10 HERMES LAW, LTD, by
11 Mr. Michael L. Hermes
12 333 Main Street, Suite 601
13 Green Bay, Wisconsin 54301
14 Appeared on behalf of the Plaintiff
15 Appleton Papers, Inc.

16 SIDLEY AUSTIN, LLP, by
17 Mr. Evan B. Westerfield
18 One South Dearborn Street
19 Chicago, Illinois 60603
20 Appeared on behalf of the Plaintiff NCR
21 Corporation.

22 WEISS BERZOWSKI BRADY LLP, by
23 Mr. Scott B. Fleming
24 700 North Water Street, Suite 1400
25 Milwaukee, Wisconsin 53202
26 Appeared by phone on behalf of the
27 Defendant George A. Whiting Paper Company.

28 BALLARD SPAHR ANDREWS & INGERSOLL, LLP, by
29 Mr. Caleb J. Holmes
30 1735 Market Street, 51st Floor
31 Philadelphia, Pennsylvania 19103-7599
32 Appeared on behalf of the Defendant P.H.
33 Glatfelter Company.

1 RESOLUTION LAW GROUP PC, by
2 Mr. Christopher J. Dow
3 3717 Mt. Diablo Boulevard, Suite 200
4 Lafayette, California 94549
5 Appeared by phone on behalf of the
6 Defendant Menasha Corporation.

7 von Briesen & Roper, S.C., by
8 Mr. Patrick L. Wells
9 411 East Wisconsin Avenue, Suite 700
10 P.O. Box 3262
11 Milwaukee, Wisconsin 53202
12 Appeared by phone on behalf of the
13 Defendant Green Bay Packaging, Inc.

14 ANDERSON & KENT, S.C., by
15 Ms. Waltraud A. Arts
16 1 North Pinckney Street, Suite 200
17 Madison, Wisconsin 53703
18 Appeared on behalf of the Defendant the
19 City of Appleton.

20 STAFFORD & ROSENBAUM, LLP, by
21 Mr. Ted Waskowski
22 222 West Washington Avenue, Suite 900
23 P.O. Box 1784
24 Madison, Wisconsin 53701-1784
25 Appeared on behalf of the Defendant City of
De Pere.

QUARLES & BRADY LLP, by
Mr. William H. Harbeck
411 East Wisconsin Avenue, Suite 2040
Milwaukee, Wisconsin 53202
Appeared on behalf of the Defendant WTM I
Company.

REINHART BOERNER VAN DEUREN S.C., by
Mr. Steven P. Bogart
P.O. Box 2965
1000 North Water Street, Suite 2100
Milwaukee, Wisconsin 53201
Appeared on behalf of the Defendant U.S.
Paper Mills Corporation.

1 von Briesen & Roper, S.C., by
2 Mr. Michael P. Carlton
3 411 East Wisconsin Avenue, Suite 700
4 P.O. Box 3262
5 Milwaukee, Wisconsin 53202
6 Appeared on behalf of the Defendant CBC
7 Coating, Inc.

8 FOLEY & LARDNER, by
9 Ms. Sarah A. Slack
10 777 East Wisconsin Avenue
11 Milwaukee, Wisconsin 53202
12 Appeared on behalf of the Defendant
13 Kimberly-Clark Corporation.
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3 (Original exhibits attached to original transcript.)

4 (Copies of exhibits attached to copies of transcript.)

5 R E Q U E S T S

6 ITEM REQUESTED

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TRANSCRIPT OF PROCEEDINGS

FRED T. HEINRITZ, called as a witness
herein, having been first duly sworn on oath, was
examined and testified as follows:

EXAMINATION

BY MR. BOGART:

Q Could you give us your name, please?

A Fred T. Heinritz, H-E-I-N-R-I-T-Z.

Q And what's your current address?

A 1105 East Eldorado Street, Appleton, Wisconsin,
54911.

Q Have you ever had your deposition taken before?

A No, I have not.

Q We'll just try not to talk over each other. And if
you could answer audibly yes and no, as opposed to
nods, that would be terrific. you worked for Appleton
Coated Paper, correct?

A Yes.

Q When did you start with Appleton Coated Paper?

A June of 1947.

Q What position did you hold in June of '47?

A Well, my first job was in cost accounting.

Q Did you have an accounting degree at that time?

A No.

Q On-the-job training?

1 A Yes.

2 Q And what did you do after -- how long were you a cost
3 accountant?

4 A Well, it was about a year.

5 Q Then what did you move on to?

6 A I went into mill scheduling.

7 Q And what did you do as a mill scheduler?

8 A Well, we had -- the coating machines were the primary
9 scheduling function, operations, calenders, sheeters,
10 and rewinders. Those all kind of followed the
11 pattern of the coating schedule.

12 Q So were you determining what product would be coated
13 on what day or what hour?

14 A Yes. We had seven coaters at that time, and they all
15 had to be scheduled as efficiently as possible.

16 Q Right. How long did you do that job?

17 A Oh, probably three or four years.

18 Q So that would bring you to '51 or '52, 1951 or '52?

19 A Yeah, probably in that area.

20 Q What did you do as your next position at Appleton
21 Coated Paper?

22 A Purchasing. I was assistant manager of that and then
23 became manager of that as time went on.

24 Q When did you become manager? What year at least?

25 A Oh probably '56 or something like that.

1 Q So as -- when you worked in the purchasing department
2 at Appleton Coated Paper, were you purchasing at any
3 time emulsion from NCR to coat paper?

4 A Well, we started a process with NCR in 1954, and it
5 grew rather slowly. And I had nothing to do with
6 purchasing emulsion. That was furnished to us by
7 NCR, so --

8 Q So are you saying Appleton Coated Paper didn't
9 purchase the emulsion; it was simply provided by NCR
10 so that their product could be coated?

11 A They billed us for it and we billed them for the
12 final product. But they manufactured and shipped it
13 in.

14 Q Do you know where the emulsion came from?

15 A Well, it started out from Dayton, I believe. I'm a
16 little fuzzy on that. But --

17 Q Did it come from somewhere else after that?

18 A Well, they set up a plant in Portage, Wisconsin to
19 manufacture it.

20 Q Do you know when they did that?

21 A I don't remember when that was.

22 Q So NCR owned a plant in Portage to make the emulsion
23 for their carbonless copy paper?

24 A That's correct.

25 Q Do you know what the emulsion came in? Was it

1 55-gallon drums?

2 MR. WESTERFIELD: Objection, lack of
3 foundation. You can go ahead and answer.

4 BY MR. BOGART:

5 Q If you know.

6 A No, I don't know.

7 Q Did you ever see any labels or warnings that came
8 with the emulsion?

9 A No.

10 (Attorney Arts joins proceedings.)

11 MR. WESTERFIELD: Objection, lack of
12 foundation.

13 BY MR. BOGART:

14 Q Did you become aware of what chemicals made up the
15 NCR emulsion that it was sending to Appleton Coated
16 Paper?

17 A No.

18 Q So you personally never were aware that the emulsion
19 contained Araclor?

20 A No.

21 Q Which is -- Araclor, were you aware that Araclor --
22 or are you aware that Araclor is a PCB or
23 polychlorinated biphenyl?

24 A No.

25 (Attorney Harbeck joins proceedings.)

1 MR. WESTERFIELD: Can we go off the record
2 for just a second?

3 (Pause in proceedings.)

4 MR. WESTERFIELD: Okay. Going back on the
5 record.

6 BY MR. BOGART:

7 Q Did you work closely at all with Tom Busch at
8 Appleton Coated Paper Company?

9 A Yes.

10 Q And what was Mr. Busch's position there?

11 A Well, he was assistant technical director and then
12 became technical director.

13 Q Did you have any conversation with Mr. Busch about
14 the NCR emulsion?

15 MR. WESTERFIELD: Objection, vague.

16 THE WITNESS: I suppose my answer is yes,
17 but I would have to explain, and I don't care to do
18 that.

19 BY MR. BOGART:

20 Q Well, what -- I'm sorry, I'm going to have to ask you
21 to tell us what it was that you spoke to him about
22 the emulsion. Was it simply how much was needed, or
23 did you talk about any issues with it?

24 A Well, I was involved in -- you would have to know
25 more about my position with the company and what I

1 did there, my relationship to Tom Busch.

2 Do I go into an explanation of all
3 that?

4 MR. WESTERFIELD: Sure.

5 THE WITNESS: All right. We started making
6 NCR paper in 1954 and as a business grew. It
7 required all kinds of systems and internal workings
8 to get it correlated with Appleton. And I got into
9 all that sort of thing and became the coordinator for
10 our company with NCR.

11 Tom Busch being a technical director
12 was the main source of our contact with them, and we
13 had many meetings in Dayton with NCR that I attended
14 with Tom Busch.

15 So I had a lot of -- you know, I heard
16 everything about everything. But none of it
17 pertained particularly to the emulsion.

18 Q So no one from NCR told you and Tom Busch when you
19 met with them that the emulsion contained PCBs?

20 A No.

21 Q Is that correct?

22 A No.

23 Q That's correct?

24 A Yes.

25 Q And to this day, you weren't aware that the PCBs --

1 that the -- I'm sorry, the NCR emulsion contained
2 PCBs; is that correct?

3 A No.

4 Q That's not correct?

5 A No.

6 Q Okay.

7 A I left -- I retired in 1987. And up to that time, I
8 had no knowledge of that. And all I know about PCBs
9 is what I read in the newspapers and have read for
10 many years. But at the time I worked, no, I had no
11 knowledge of PCBs of any kind.

12 Q So I take it, then, that no one at NCR warned you or
13 Tom Busch in your presence that you should be very
14 careful in how you deal with the emulsion because it
15 might have an environmental issue relating to PCBs;
16 is that right?

17 A That's correct.

18 MR. WESTERFIELD: Objection to the form of
19 the question. Go ahead.

20 BY MR. BOGART:

21 Q Is that correct?

22 A That's correct, yes.

23 Q Did you ever meet with anyone from Monsanto relating
24 to the emulsion?

25 A No.

1 Q Did you ever have any conversation with anybody from
2 Monsanto relating to NCR's emulsion?

3 A No.

4 Q Did Tom Busch ever mention that he had received
5 information from Monsanto relating to the emulsion?

6 A No.

7 Q Did anyone else at Appleton Coated Paper ever mention
8 to you that Monsanto had given Appleton Paper --
9 Appleton Coated Paper information relating to the NCR
10 emulsion?

11 A No.

12 Q Who did you meet with at NCR when you did go and meet
13 with them with Tom Busch?

14 A Well, we had a number of people. Bud Schloemer was
15 the purchasing agent, and we met with him. We met
16 with Howard Lauer, Bill Wilson. And there were a
17 number of other guys. I would have to re- --

18 Q Can you remember any of their names?

19 A Well, Jack Wyckoff (phonetic) and -- oh, I don't
20 know. I would have to remember all that. I don't
21 recall offhand. There were a number of others,
22 though.

23 Q Were these meetings in Dayton, Ohio?

24 A Yes. But they came to Appleton, too.

25 Q Okay. Who from NCR came to Appleton?

1 A Well, their technical people. And they met with our
2 technical people primarily.

3 Q Do you recall the names of any of NCR's technical
4 people that came to Appleton to meet with Appleton
5 Coated Paper, technical personnel?

6 A Well, I don't know. I can see a lot of faces, but I
7 can't put names on them offhand. It's been a long
8 time ago.

9 Q Who from Appleton Coated Paper Company was in the
10 technical side that would have met with these NCR
11 technical representatives?

12 MR. WESTERFIELD: Object to the form of the
13 question.

14 THE WITNESS: Who -- would you repeat that
15 question?

16 BY MR. BOGART:

17 Q Why don't I restate it, because it was clumsy anyway.
18 Who from Appleton Coated Paper did the NCR technical
19 people meet with while they were -- when they came to
20 Appleton?

21 A Well, Tom Busch would have been the primary contact.

22 Q Do you remember any of the people on Tom Busch's team
23 that might have joined him during those meetings?

24 A Well, we had a team, too, but I don't recall the
25 names.

1 Q Does J.P. Reeve ring any bells for you?

2 A Sure.

3 Q Was he part of the technical group at Appleton Coated
4 Paper?

5 A No.

6 Q How about R.C. Jezerc? Did I pronounce that right?

7 A Yes, he was in the technical department.

8 Q Do you know if Mr. Jezerc is still alive?

9 A Yes, he is.

10 Q Do you know where he resides?

11 A In Appleton.

12 Q I didn't ask about Mr. Busch, because I believe he is
13 no longer with us. Is that true?

14 A No longer around.

15 Q He's deceased, correct?

16 A Yes.

17 Q How about J.W. Allen? Was he part of Mr. Busch's
18 group?

19 A I can't recall.

20 Q Do you know if Mr. Allen is still alive?

21 A No, I don't.

22 Q How about J.R. Bodmer, B-O-D-M-E-R?

23 A Can't come up with that either.

24 Q Now, let's talk a little bit about to the extent you
25 know -- and obviously if you don't know, tell us you

1 don't know about certain things so we can get to the
2 things that you do know. When paper -- you had
3 mentioned NCR provided the emulsion to coat the paper
4 with. Who supplied the paper?

5 A We bought that from various sources.

6 Q And then you at Appleton Paper -- Appleton Coated
7 Paper coated the paper with the emulsion to create
8 the NCR carbonless copy paper, correct?

9 A That's correct.

10 Q Who sold the paper to consumers?

11 A NCR.

12 MR. WESTERFIELD: Object to the form of the
13 question.

14 BY MR. BOGART:

15 Q Who was Appleton Coated Papers' customer?

16 A NCR.

17 Q So am I correct that NCR provided the emulsion,
18 Appleton Coated Paper made the -- coated the paper
19 and created the NCR carbonless and then sold it to
20 NCR?

21 A Yes.

22 Q Was that true the entire time you were with Appleton
23 Coated Paper?

24 MR. WESTERFIELD: Object, lack of
25 foundation.

1 THE WITNESS: Yes.

2 BY MR. BOGART:

3 Q At one point, Appleton Coated Paper became a division
4 of NCR; is that right?

5 A Yes.

6 Q So would it be true that the division would be
7 selling to its corporate --

8 A I don't know.

9 MR. WESTERFIELD: Objection, lack of
10 foundation.

11 THE WITNESS: Okay. I don't remember what
12 the billing arrangements were on that point, but NCR
13 controlled the whole thing.

14 BY MR. BOGART:

15 Q By NCR controlling the whole thing, do you mean they
16 determined how much would be made and where it would
17 go? What did you mean by that statement?

18 (Mr. Waskowski joins proceedings.)

19 THE WITNESS: Well, Appleton operated the
20 mill, so we made -- we made jumbo rolls of paper,
21 inventoried them, and then used those to fill the
22 orders that were provided by NCR, by their sales
23 force. So we didn't -- they didn't operate the mill
24 or dictate how we operated the mill or what kind of
25 inventories we carried or anything like that.

1 BY MR. BOGART:

2 Q Okay. So did you ship directly to NCR's customers?

3 A Yes.

4 Q In the manufacture of NCR carbonless copy paper,
5 waste was created, I assume?

6 MR. WESTERFIELD: Object to the form of the
7 question.

8 THE WITNESS: We had broke, trim.

9 BY MR. BOGART:

10 Q Can you define those terms for us? What do you mean
11 by broke?

12 A Broke was the paper that was left over after we took
13 out the perfect sheets or rolls. Edge trim, trim, we
14 referred to as the trim off the edge of the rolls.

15 Q So broke -- broke is produced when you make sheets,
16 and edge is when you make rolls? Or am I wrong about
17 that?

18 MR. WESTERFIELD: Object to the form of the
19 question.

20 MR. WELLS: Excuse me, this is Pat Wells.
21 Is it possible to have the microphone moved in
22 another location? For some reason, the audio is very
23 bad, and most of the witness's responses are
24 completely inaudible.

25 (A discussion was held off the record.)

1 BY MR. BOGART:

2 Q I guess I just want to understand the distinction
3 between broke and trim. And I didn't quite
4 understand.

5 A Well, they're interchangeable, really. But we used
6 trim more for the roll products and waste for the
7 sheet products. There were other terms, too, that
8 were used.

9 Q What other terms did you use to talk about the waste
10 from the production of the NCR carbonless copy paper?

11 MR. WESTERFIELD: Object to the form of the
12 question. Mischaracterizes his testimony.

13 THE WITNESS: I can't recall right now.

14 BY MR. BOGART:

15 Q What did Appleton Coated Paper do with the broke and
16 trim?

17 A We sold it to a dealer.

18 Q Was that true the entire time you were producing NCR
19 paper?

20 A Yes.

21 Q Who at Appleton Coated Paper handled that part of the
22 business?

23 A I don't think I can answer that.

24 Q Are you familiar with the term "waste control clerk"
25 at Appleton Coated Paper?

1 A No.

2 Q Are you aware that some of the broke and trim went to
3 a dump?

4 MR. WESTERFIELD: Object to the form of the
5 question.

6 THE WITNESS: No.

7 BY MR. BOGART:

8 Q Ever hear of the Mackville Dump?

9 A Yes.

10 Q And where was that located?

11 A North of Appleton about five miles.

12 Q Did anyone from NCR tell you that you should not
13 recycle the broke and trim from the NCR paper?

14 A No.

15 Q Are you aware of anyone at NCR stating to anyone at
16 Appleton Coated Paper, other than you, that broke and
17 trim should not be recycled?

18 A No.

19 Q So Tom Busch never mentioned anything about whether
20 broke should be or trim should be sold for recycling?

21 MR. WESTERFIELD: Object to the form of the
22 question.

23 THE WITNESS: Should not be sold for
24 recycling?

25
G

1 BY MR. BOGART:

2 Q Right.

3 A No.

4 Q I would like to just go back to your meetings with
5 NCR that you attended with Mr. Busch. How often did
6 that happen? And tell me if it was different over
7 the years.

8 A As I recall, it was about once a month.

9 Q And was that true from 1954 right through the time
10 you left?

11 A Well, after 1970, when they bought us in 1970, then
12 my position with -- as being a representative to them
13 ceased to exist, and I went into other things.

14 Q Who were you employed by after 1970?

15 A I was -- I stayed at Appleton Papers, and I had
16 positions in new business development and sales.

17 Q Are you aware of a change in the emulsion, the NCR
18 emulsion, right around 1971?

19 MR. WESTERFIELD: Object to the form of the
20 question and lack of foundation.

21 THE WITNESS: No.

22 BY MR. BOGART:

23 Q No one mentioned to you, that you can recall anyway,
24 that NCR had changed its emulsion at some point?

25 MR. WESTERFIELD: Same objection.

1 THE WITNESS: No.

2 BY MR. BOGART:

3 Q Did anyone at Appleton Coated Paper mention to you
4 that NCR had changed its emulsion?

5 A No.

6 MR. WESTERFIELD: Same objection.

7 BY MR. BOGART:

8 Q Was there any change in the production of NCR
9 carbonless copy paper around 1971 that you can
10 recall?

11 MR. WESTERFIELD: Object to the form of the
12 question.

13 THE WITNESS: Would you repeat that
14 question, please?

15 (Previous question read back.)

16 THE WITNESS: No.

17 BY MR. BOGART:

18 Q So as far as you know, you were just continuing to
19 make NCR carbonless copy paper pretty much in the
20 same way from 1954 until you left in 1987; is that
21 correct?

22 MR. WESTERFIELD: Object to the form of the
23 question.

24 THE WITNESS: That's correct, yes.
25

1 BY MR. BOGART:

2 Q Do you know how the emulsion was put into Appleton
3 Coated Papers' machines to make the NCR paper?

4 MR. WESTERFIELD: Objection, lack of
5 foundation.

6 THE WITNESS: My answer would be no. I
7 have a very good idea of the color system, how it
8 gets made up and put into the machines, but NCR
9 paper, I have no specific knowledge.

10 BY MR. BOGART:

11 Q Are you aware of any protective clothing, gloves,
12 goggles, or other apparel that your employees had to
13 wear while coating the NCR paper?

14 MR. WESTERFIELD: Objection, lack of
15 foundation and to the form.

16 THE WITNESS: No.

17 BY MR. BOGART:

18 Q You, I assume, went into the mill occasionally and
19 saw the operations, correct?

20 A Yes.

21 Q And you didn't observe the employees wearing any type
22 of protective clothing; is that correct?

23 A That's correct. Yes.

24 Q Did Appleton Coated Paper have its own medical
25 department?

1 A We employed a nurse, and she was on duty.
2 Q Did she have an office at the mill?
3 A Yes.
4 Q Did she keep files?
5 A I have no idea.
6 Q Do you remember her name?
7 A No.
8 Q Did you ever meet a gentleman by the name of Emmett
9 Kelly at NCR?
10 A I would have to say no, because I don't recall him.
11 Q How about Ralph Montello?
12 A Yes.
13 Q How often did you meet him?
14 A I can't tell you.
15 Q You can't recall?
16 A No.
17 Q What was Mr. Montello's position at NCR, if you know?
18 A I don't remember.
19 Q What did you discuss with Mr. Montello?
20 A I had no discussions with him as such.
21 Q You simply met him and --
22 A Can't tell you.
23 Q Did he sit in on the meetings that you and Mr. Busch
24 had with NCR on a monthly basis?
25 A Can't -- I can't tell you. There were people in

1 those meetings, but I don't recall the meetings very
2 well. That was 50 years ago.

3 Q Was there -- so you can't recall anyone that you met
4 with, you know, pretty much -- were there regulars at
5 the meeting I guess is the best way to ask it.

6 A There were a lot of technical meetings that I did not
7 participate in.

8 Q But the ones you participated in, were you seeing the
9 same faces on a monthly basis?

10 A I can't tell you that.

11 Q So you can't remember any of those names?

12 A Well, I gave you some names and --

13 Q Right. I'm just trying to jog your memory a little
14 bit. Did you ever become aware of any complaints by
15 mill employees of skin irritation while making NCR
16 paper?

17 A No.

18 Q Any complaints by the workers concerning odor?

19 A No.

20 Q Now, getting back to the broke and trim, did you also
21 call that seconds, or was that something different?

22 A That was different.

23 Q What were seconds?

24 A Well, they were sheets or rolls -- primarily sheets
25 that had a blemish but were certainly usable. But

1 we -- we sorted them out and sold them at a
2 discounted price.

3 Q So those would be sold to end users who would
4 actually use the paper as opposed to recyclers; is
5 that correct?

6 A Well, there were no seconds of NCR paper.

7 Q There weren't?

8 A No.

9 Q So you were just dealing with broke and trim --

10 A Yes.

11 Q -- with respect to NCR paper, correct?

12 A (Witness nods head.)

13 Q Yes?

14 A Yes.

15 Q Did Appleton Coated Paper consider broke and trim a
16 profit center?

17 MR. WESTERFIELD: Object to the form of the
18 question and lack of foundation.

19 THE WITNESS: No.

20 BY MR. BOGART:

21 Q When Appleton Coated Papers sold broke and trim to
22 the dealers that you mentioned, do you remember any
23 of their names, the dealers that the broke and trim
24 was sold to?

25 A I think they were -- U.S. Paper & Supply took most of

1 it. A gentleman from there that represented to us, I
2 think his name was Gray Hagey.

3 Q H-A-G-G-Y?

4 A H-A-G-E-Y, I believe.

5 Q E-Y?

6 A I believe. He's probably gone by now.

7 Q You said he represented something to you?

8 A Well, he was -- he was the local representative for
9 U.S. Paper & Supply. And I'm kind of -- I can't
10 specifically recall that those statements are all
11 that happened. But that's my recollection.

12 Q You can't recall any other --

13 A No.

14 Q -- dealers that you sold --

15 A No.

16 Q -- broke and trim to? Do you know what U.S. Paper &
17 Supply intended to do with the broke and trim?

18 A Sell it to mills for recycling.

19 Q So Appleton Coated Paper was aware that its broke and
20 trim was going to recyclers?

21 A Yes.

22 Q Are you aware of any communications from Appleton
23 Coated Paper to recycling mills that the broke and
24 trim contained PCBs or Araclor and should not be
25 recycled?

1 A No.

2 Q Do you recall any conversation at Appleton Coated
3 Paper that such a communication should be considered?

4 A No.

5 MR. WESTERFIELD: Object to the form of the
6 question.

7 BY MR. BOGART:

8 Q Who at NCR -- I'm sorry, who at Appleton Coated Paper
9 would have been responsible for the handling of the
10 NCR emulsion when it got to the mill, if you know?

11 A I don't recall.

12 Q Do you know William Goetz, G-O-E-T-Z, listed as a
13 chemist for Appleton Coated Paper? Did you know him?

14 A Yes, I did.

15 Q Were you aware that he was communicating with
16 Monsanto concerning Araclor content in certain
17 samples?

18 A No.

19 Q Do you know if he's still alive?

20 A No, I don't know.

21 Q Were you aware that on September 3rd, 1970, Thomas
22 Busch asked NCR to sign a hold harmless agreement
23 relating to sales of broke and trim to the paper
24 dealers?

25 A No.

1 Q You're not aware of that?

2 A No.

3 Q Do you know what Wiggins Teape Company did?

4 A Yes.

5 Q What did they do?

6 A They were the English manufacturer, and they also had
7 sales of NCR in the European market.

8 Q Are you aware of any environmental issues that they
9 were dealing with in the 1970s relating to the NCR
10 paper?

11 A No.

12 MR. WESTERFIELD: Objection, lack of
13 foundation and to the form of the question.

14 MR. BOGART: Did you catch the answer?

15 THE WITNESS: No.

16 (Exhibit 1 marked for identification.)

17 BY MR. BOGART:

18 Q Mr. Heinritz, the court reporter handed to you
19 Exhibit 1. And could you confirm for me that that is
20 a February 19, 1968 letter from, if you look on the
21 other side, a J.D. Shaw at NCR Paper to Thomas B.
22 Sullivan at NCR Technical Papers, manager. That's
23 his title. Appleton Coated Paper Company was where
24 the letter was directed. Can you confirm that for
25 me?

1 MR. WESTERFIELD: Hold on just a second.
2 Are you asking him if he recalls that or if that's
3 what it says in the piece of paper?

4 MR. BOGART: Confirm that's what it says.

5 THE WITNESS: Confirming that's what it
6 says, yes.

7 BY MR. BOGART:

8 Q If you look on the back of that piece of paper -- I
9 apologize, that's how these came to us -- it
10 indicates you were copied in. Do you see that?

11 A Yes.

12 Q Do you recall receiving this letter?

13 A No.

14 Q What was self-contained type NCR paper?

15 A Gee, I haven't thought about that for a while. It
16 was a copy paper that could -- it did not require a
17 CF and a CB sheet. CB being a top sheet, CF being
18 the second sheet. And that transferred the image
19 from the top sheet to the second sheet.

20 This could be used without being a
21 transfer. It made its own image, if you get what I
22 mean.

23 Q So you didn't need multiple sheets?

24 A You could use a plain sheet of paper on top with no
25 coating on it and make an image on the second sheet

1 which was self-contained.

2 Q And the second sheet had the coating then, correct?

3 A Yes.

4 Q So this was a product coated with the NCR emulsion,
5 then?

6 A Yes.

7 Q Do you recall whether around this February 19, 1968
8 date, whether this was a new product that was
9 developed by NCR and Appleton Coated Paper?

10 A I don't remember what -- when we started making it,
11 no.

12 Q But this product came after the --

13 A It says new self-contained paper and 1968, so that
14 must have been it.

15 Q So prior to this, you were manufacturing a NCR
16 carbonless paper that had the top page and the bottom
17 page that you referred to, the CB and the CF,
18 correct?

19 A Well, there were three grades, CF, CB, and CFB.

20 Q Can you explain those for us?

21 A The top sheet was the CB.

22 Q And that was coated?

23 A That was coated on the back side with the emulsion.

24 Q Okay.

25 A The middle sheets -- if you had a three-part form,

1 let's say, the middle sheet would be CFB, which was
2 coated front and back; the top being the CF coating,
3 which is the clear coating which receives the image.

4 OPERATOR: I have a report of poor audio.
5 Is there anyone still experiencing that?

6 MR. DOW: This is Christopher Dow from
7 Menasha Corp. I would say the audio was very poor
8 earlier. The questioner has moved the speakerphone
9 closer to the witness, but it's still cutting in and
10 out. And I can hear the witness a little better, but
11 now it's that much harder to make out the questioner.

12 So, I mean, I think you've really got
13 to rig something up here so that we can hear
14 everybody all the time.

15 MR. BOGART: We'll have to do that for the
16 future. We're on a real limited time basis now, so
17 we can't afford the interruption. Thank you.

18 Q You were in the middle of an answer.

19 A Who's on the --

20 Q Other attorneys who didn't want to make the trip, so
21 more people like these guys.

22 A The bottom sheet was a CF sheet. So that -- that's
23 the receiving -- that's a clay coating, which the --
24 when you break the capsules in the emulsion, it
25 transfers the image onto this clay-coated sheet, CF.

1 So if you can visualize a three -- and
2 sometimes those were made up into four or five,
3 six-part forms. And all the in-between sheets are
4 CFB, and the top sheet is a CB, and the bottom sheet
5 is CF.

6 BY MR. BOGART:

7 Q So as far as you know, this self-contained-type NCR
8 paper was being made with the same NCR emulsion as
9 the other NCR paper you had been making for years,
10 correct?

11 A I can't tell you that. I don't know.

12 (Exhibit 2 marked for identification.)

13 BY MR. BOGART:

14 Q The reporter has handed you Deposition Exhibit No. 2,
15 which is on an Appleton Coated Paper Company
16 letterhead and it's entitled "Notice of Special
17 Meeting of Shareholders."

18 Do you recall receiving this notice?

19 A No.

20 Q Were you a shareholder of Appleton Paper Coated --
21 Coated Paper?

22 A Yes.

23 Q Did you have any hand in helping generate this
24 document?

25 MR. WESTERFIELD: Object to the form of the

1 question.

2 THE WITNESS: I can't recall.

3 BY MR. BOGART:

4 Q If you look at page 12 of Exhibit 2. It might be on
5 the opposite side. It's two-sided. You'll see that
6 chart in the middle of net sales. It's kind of an
7 income sheet. Do you see that?

8 A Yeah. Yes.

9 Q And it spans 1965 through 1969; is that correct?

10 A That's correct, yes.

11 Q And it shows sales numbers that start in '65 at
12 608 million to -- and increased steadily until
13 876 million in 1969, correct?

14 MR. WESTERFIELD: Are you asking --

15 THE WITNESS: Yes.

16
17 MR. WESTERFIELD: -- him if that's what he
18 remembers or that's what it says?

19 THE WITNESS: That's what it says, yes.

20 BY MR. BOGART:

21 Q Do you recall that the NCR paper was a profitable
22 product for Appleton Coated Paper?

23 A Yes.

24 Q And that profits increased at pretty steady rates on
25 a yearly basis for that paper?

1 MR. WESTERFIELD: Object to the form of the
2 question.

3 BY MR. BOGART:

4 Q Is that correct?

5 A I can't recall if they increased steadily. It's --
6 but --

7 Q But it was a growing product?

8 A It was a growing product, and we made money on it,
9 you bet. Plowed most of it back into the company to
10 increase production.

11 Q Of NCR paper?

12 A Yes.

13 (Exhibit 3 marked for identification.)

14 BY MR. BOGART:

15 Q Mr. Heinritz, the court reporter just handed you
16 Exhibit 3, which is entitled "Appleton Coated Paper
17 Company Quarterly Activity Reports, Second Quarter
18 Ending September 30, 1970."

19 Do you see that?

20 A Yes.

21 Q Do you recall this document?

22 A No.

23 Q Is this a document that was generated on a quarterly
24 basis for Appleton Coated Paper Company?

25 MR. WESTERFIELD: Objection, lack of

1 foundation.

2 THE WITNESS: Can't recall.

3 BY MR. BOGART:

4 Q I would like to direct you to page seven. The
5 numbers are on top of that document. On page seven
6 of Deposition Exhibit No. 3 at the very top states
7 "MIBP Emulsion."

8 Are you familiar with that term?

9 A No.

10 Q It then discusses NCR emulsion with mono-isopropyl
11 biphenyl. Does that term mean anything to you?

12 A Not today.

13 Q Do you believe it ever did?

14 A I have no recollection.

15 Q It states that that mono-isopropyl biphenyl was a
16 replacement for the polychlorinated biphenyl or the
17 Araclor. Does that refresh your recollection at all
18 that the emulsion changed at some point?

19 A No.

20 MR. WESTERFIELD: Object to the form of the
21 question.

22 BY MR. BOGART:

23 Q And so -- and the next sentence of Exhibit 3 states,
24 "This is a qualified replacement for Araclor to
25 satisfy environmental preservation regulations."

1 Do you see that?

2 A Yes.

3 Q Okay. Does that refresh any recollections relating
4 to environmental concerns for the Araclor?

5 A No.

6 MR. WESTERFIELD: Object to the form of the
7 question.

8 THE WITNESS: No.

9 BY MR. BOGART:

10 Q As I did earlier, I would like to throw a few names
11 at you to see if you know if these gentlemen are
12 still around and where they might reside.

13 R.C. Hierongue (phonetic)? Does that ring any bells?
14 It's a very poor copy.

15 A I can't recall.

16 Q Or Hieronymic?

17 A Oh, Hieronymus.

18 Q Hieronymus. Who was he?

19 A I don't recall his position. And I don't know if
20 he's alive or not.

21 Q How about D.H. Schumacher?

22 A Yes.

23 Q He's alive?

24 A Yes.

25 Q Where does he reside?

1 A He resides in Appleton.

2 Q Do you know what his position was at Appleton?

3 A He was president. He wound up as president. I'm not
4 sure, he might have been chairman.

5 Q Do you know what his position was in 1971?

6 A 1971. I think he was in mill operations. Might have
7 been mill manager.

8 Q How about J.G. -- I'm going to pronounce this Vogt.
9 It's V-O-G-T.

10 A Yeah.

11 Q Do you recall that gentleman?

12 A Yes.

13 Q Is he still alive?

14 A I don't know that.

15 Q Okay. Do you know what he did for Appleton Coated
16 Paper?

17 A Technical department.

18 Q How about D.W. Robbins? Do you recall a gentleman by
19 that name?

20 A It's a little vague.

21 Q So you don't know if he's still around or not?

22 A No.

23 Q Any thought on where he might have -- what position
24 he might have held at Appleton Coated Paper?

25 A I think he came from NCR, but I'm not sure.

1 Q Did you ever meet a gentleman by the name of
2 Fujimura -- Fujimura who came from Japan to visit the
3 Appleton plant in 1971?

4 A No.

5 Q Do you know who G.J. Wilson was?

6 A Yes.

7 Q Was he an Appleton Coated Paper person?

8 A He was an NCR vice --

9 Q Do you know --

10 A -- vice-president.

11 Q Do you know, vice-president of what?

12 A Well, he was in charge of the NCR paper group, but
13 I'm not sure if he had expanded responsibilities.

14 Q Are you aware of where he might be?

15 A No.

16 Q How about C.B. Munton, M-U-N-T-O-N?

17 A No.

18 Q H.F. Bodeker, B-O-D-E-K-E-R?

19 A No.

20 Q Don't recall that name?

21 A No.

22 Q I know it's a bit of a quiz, but --

23 A Some of these are vague because they're 60 years ago,
24 but I haven't heard the names mentioned for a long
25 time.

1 Q Did you receive monthly inventory reports?

2 A Would you repeat that, please?

3 Q Monthly inventory reports for Appleton Coated Paper,
4 do you recall receiving those?

5 A No.

6 (Exhibits 4-10 marked for identification.)

7 BY MR. BOGART:

8 Q The reporter has just handed you Exhibits 4 through
9 10, which are all entitled "Appleton Coated Paper
10 Company Monthly Inventory Reports" for different
11 periods; is that correct?

12 A That's correct, yes.

13 Q Now, on the first one, Exhibit 4, it's really
14 difficult to see who was copied in on it, but if you
15 go to No. 5, there's a list of recipients of the
16 inventory, and your name appears as one of the
17 recipients, correct?

18 A Yes.

19 Q Does that help you remember that you received monthly
20 inventory reports while you were working at
21 Appleton --

22 A No.

23 Q -- Coated Paper?

24 A No.

25 Q Okay. When you were in the cost accounting

1 department, did you prepare any inventory reports?

2 A No.

3 Q Do you have any reason to believe you wouldn't have
4 received these reports as indicated on the report?

5 MR. WESTERFIELD: Object to the form of the
6 question.

7 THE WITNESS: No.

8 BY MR. BOGART:

9 Q If you look on Exhibit 4, on the left side under a
10 column entitled "Inventories" --

11 A Yes.

12 Q -- at the very bottom, it says, A, slash, postage and
13 broke. And at least for broke there's a number 2,
14 comma, 500 with a dollar sign in front of it. Did I
15 read that correctly? Do you see that?

16 A \$2,500 it looks like.

17 Q Right. Do you know what that is reporting? Any
18 idea?

19 MR. WESTERFIELD: Objection, lack of
20 foundation.

21 THE WITNESS: No, I don't recall.

22 BY MR. BOGART:

23 Q And Exhibit 4, just to close the loop, it's a report
24 for up through May of 1965, correct?

25 MR. WESTERFIELD: Objection, lack of

1 foundation.

2 THE WITNESS: Yes.

3 BY MR. BOGART:

4 Q And if you look at Exhibit 7 through 10, could you
5 just confirm for me that there is no reporting of any
6 dollar amount for broke on any of those inventory
7 reports?

8 MR. HERMES: Which ones, Steve? I'm sorry.

9 MR. BOGART: 7 through 10.

10 THE WITNESS: Yes.

11 BY MR. BOGART:

12 Q So it's correct that broke isn't reported on those
13 exhibits, correct?

14 A Not as such that I see.

15 Q Do you have any reason why -- are you aware of any
16 reason why a figure for broke would appear in 1965
17 but not on later reports?

18 MR. WESTERFIELD: Objection, lack of
19 foundation.

20 THE WITNESS: No.

21 (Exhibit 11 marked for identification.)

22 BY MR. BOGART:

23 Q The reporter has handed you Exhibit 11, which is --
24 at least the first page is December 18, 1968. It's
25 dated December 18, 1968. And it's a memo with a

1 subject line of "Approved 1969 Sales Forecast."

2 Do you see that?

3 A Yes.

4 Q Okay. Do you recall receiving this document?

5 A No.

6 Q Can you confirm for me, though, that you are listed
7 as one of the people to whom this sales report was
8 directed?

9 A Yes.

10 Q If you look at the third page of Exhibit 11, there is
11 a 1969 Approved Sales Plan Summary, Revised 12/17 I
12 believe that says, '68?

13 MR. WESTERFIELD: Steve, is this the one
14 that at the bottom it says APIFOX --

15 MR. BOGART: No.

16 MR. WESTERFIELD: -- 19129?

17 MR. BOGART: No, 128. I'm sorry. Third
18 page.

19 MR. WESTERFIELD: 128. This one. Second
20 page in ours.

21 MR. BOGART: Really. Okay. That's bad.
22 Although, my second page I wasn't going to ask any
23 questions about anyway.

24 Q So the second page in Exhibit 11 is a 1969 Approved
25 Sales Plan Summary. Do you see that?

1 A Yes.

2 Q And for grades, it distinguishes NCR from commercial
3 grade?

4 A Yes.

5 Q What was -- what's your recollection of the
6 distinction? What made up the commercial grade?

7 MR. WESTERFIELD: Objection, lack of
8 foundation.

9 THE WITNESS: Commercial grades were the
10 grades that we sold to paper merchants and to
11 specific customers.

12 BY MR. BOGART:

13 Q Did it include NCR carbonless paper?

14 A No.

15 Q Is that how Appleton Coated Paper kind of divided its
16 sales forecasting and reporting, NCR and then pretty
17 much everybody else?

18 A Yes.

19 MR. WESTERFIELD: Objection, lack of
20 foundation.

21 BY MR. BOGART:

22 Q And NCR made up the majority of your sales, correct?

23 A It overtook all of our other --

24 MR. WESTERFIELD: Objection to foundation
25 and to form.

1 THE WITNESS: It overtook all of our other
2 business as time went on. As I stated, we started in
3 1954 with the development, and it wasn't long before
4 it passed by our commercial grades.

5 BY MR. BOGART:

6 Q And Appleton Paper continued to work with NCR to
7 develop that business throughout the '60s and '70s,
8 correct?

9 A Yes.

10 Q And you're not aware of any change in those
11 activities?

12 MR. WESTERFIELD: Object to the form of the
13 question. Also lack of foundation.

14 THE WITNESS: They bought us in 1970.

15 BY MR. BOGART:

16 Q Right. Right. But as far as the sales side --

17 A They were separate.

18 MR. WESTERFIELD: Same objections.

19 BY MR. BOGART:

20 Q I'm sorry, what was separate?

21 A The commercial grades and the NCR grades.

22 Q Right. As far as the NCR -- as far as the NCR paper
23 sales go, you've told us you can't recall any change
24 in the efforts to sell NCR paper, correct?

25 MR. WESTERFIELD: Same objections.

1 THE WITNESS: I'm not sure I understand
2 your question.

3 BY MR. BOGART:

4 Q There wasn't a time when it was determined that
5 perhaps sales should be suspended until some change
6 in the product could be made; is that correct?

7 A I have no recollection of anything like that.

8 (Exhibit 12 marked for identification.)

9 BY MR. BOGART:

10 Q You have in front of you Deposition Exhibit No. 12.
11 Could you confirm to me that you're listed as one of
12 the people to whom this memorandum was directed?

13 A Yes.

14 Q And the subject is "Comments on Financial Statement
15 for the Month of June 1966."

16 Did I read that correctly?

17 A Yes.

18 Q Do you recall receiving these types of reports while
19 you were at Appleton Coated Paper?

20 A No.

21 Q Any reason to believe you wouldn't have received a
22 memorandum directed to you?

23 A No, there's no reason.

24 (Exhibit 13 marked for identification.)

25

1 BY MR. BOGART:

2 Q Mr. Heinritz, Exhibit 13 is a memo similar to 12
3 entitled "Comments on Financial Statements for the
4 Month of February."

5 And if you read the first line under
6 that, it indicates it's from 1967. Correct?

7 A Yes.

8 Q And you're listed as a recipient of this?

9 A Yes.

10 Q And I take it you wouldn't recall any of these types
11 of documents?

12 A No, I don't recall.

13 Q If you look at page two of Exhibit 13, the very last
14 sentence of that -- on that page reads "NCR continues
15 to supply more than 100 percent of total profits."

16 Did I read that correctly?

17 A Yes.

18 Q Do you know what that's referring to?

19 MR. WESTERFIELD: Objection, lack of
20 foundation.

21 THE WITNESS: Well, it's pretty evident
22 what it means. It's pretty evident what it means.
23 It means that our commercial business wasn't carrying
24 its own load.
25

1 BY MR. BOGART:

2 Q So the NCR was where the profits were coming from for
3 Appleton Coated Paper, correct?

4 MR. WESTERFIELD: Object to the form.

5 THE WITNESS: That's what it says.

6 BY MR. BOGART:

7 Q Do you have any reason to believe that wasn't true?

8 A I don't recall.

9 Q Well, you do recall that NCR paper was the most
10 profitable product you had, right?

11 A It was by far and away the biggest share of our
12 business, yes.

13 MR. HARBECK: Could you read the last
14 answer back? I didn't catch the end of it.

15 (Previous answer read back.)

16 (Exhibit 14 marked for identification.)

17 BY MR. BOGART:

18 Q Exhibit 14 is another Comments on Financial
19 Statements, this one for the month of January 1968,
20 correct?

21 A Yes.

22 Q And you're listed, again, as a recipient, correct?

23 A Yes.

24 Q And I would like to direct your attention to the
25 section at the bottom of the first page of that

1 exhibit under "Earnings Summary."

2 A Yes.

3 Q In the indented paragraph it states, "Coating usage
4 variance attributed to emulsion consumption on NCR
5 grades."

6 Do you have any understanding what
7 that's referring to?

8 MR. WESTERFIELD: Objection, lack of
9 foundation.

10 THE WITNESS: I would have to read more to
11 understand it.

12 BY MR. BOGART:

13 Q Well, could you at least read the paragraph above
14 that to see if you can come to some understanding as
15 to what you think that might mean?

16 MR. WESTERFIELD: Same objection.

17 (Previous question read back.)

18 MR. WESTERFIELD: My objection is lack of
19 foundation, and it calls for speculation.

20 THE WITNESS: Variance due to NCR emulsion
21 consumption. No, I don't recall that.

22 BY MR. BOGART:

23 Q While you were with Appleton Coated Paper, did you
24 become aware of any issue with excessive consumption
25 of the emulsion?

1 MR. WESTERFIELD: Object to the form of the
2 question and lack of foundation.

3 THE WITNESS: No.

4 BY MR. BOGART:

5 Q Your answer was no?

6 A Yes.

7 Q Did you have any responsibility for wastewater
8 generated by the Appleton Coating plant?

9 A No.

10 Q Have any conversations with anybody who did relating
11 to the wastewater?

12 A No.

13 Q Who was responsible for --

14 A Can't tell you.

15 Q -- for the wastewater? You can't tell?

16 A (Witness shakes head.)

17 Q Okay.

18 MS. ARTS: Did the witness answer?

19 BY MR. BOGART:

20 Q So you don't know who was responsible for the
21 wastewater?

22 A No, I do not.

23 Q I'm sorry, let's go back to No. 14, if we could.
24 There are a few more names that I would like to ask
25 you about. R.W. Mahony. Do you recall that name?

1 A Sure, yes.

2 Q Who was that?

3 A He was chairman of the company. He succeeded Charlie
4 Boyd who owned the company. And after my father died
5 in 1948, he resumed -- Charlie Boyd resumed the
6 presidency. And he died in 1952, I believe, at which
7 time R.W. Mahony took over management.

8 Q Is Mr. Mahony still around?

9 A No. Long gone.

10 Q Do you know who W.A. Siekman was?

11 A Yes.

12 Q It's S-I-E-K-M-A-N. Who was Mr. Siekman?

13 A Well, he married Charlie Boyd's daughter.

14 Q And hence had a job at the company, right? What did
15 he do at the company?

16 A He wound up as chairman.

17 Q Sounds like a good move to marry the owner. Is he
18 still around?

19 A Yes.

20 Q He is. Okay. Do you know where he lives?

21 A Yes.

22 Q Where?

23 A In Appleton.

24 Q L.M. Swaim, S-W-A-I-M. Do you know who that is?

25 A Yes.

1 Q What did Mr. Swaim do for the company?

2 A He was hired to run the mill operations. I forgot
3 what his title was. He was a vice-president.

4 Q Do you know if he's still around?

5 A Yeah, he's still around.

6 Q Does he live in Appleton as well?

7 A No, I think he lives in Neenah or Menasha. Close by.

8 MS. ARTS: I'm sorry, I didn't hear.

9 THE WITNESS: He lives in Neenah.

10 MS. ARTS: Thank you.

11 THE WITNESS: You bet.

12 BY MR. BOGART:

13 Q I don't recall asking about this name or whether I
14 did or not, so I'm going to ask you again. P.E.
15 Truttschel?

16 A Truttschel, yeah, Paul Truttschel. He was
17 vice-president for sales of commercial grades.

18 Q So non-NCR sales?

19 A Yeah.

20 Q Is he still around?

21 A No.

22 Q How about P.C. Menning, M-E-N-N-I-N-G?

23 A He was treasurer. I think his title was treasurer,
24 but he was always in the accounting end of it.

25 Q Is he still around?

1 A No.

2 Q He's deceased?

3 A Yes.

4 (Exhibit 15 marked for identification.)

5 THE WITNESS: I'm going to take a break for
6 a minute.

7 MR. BOGART: That's fine.

8 (A break was taken.)

9 BY MR. BOGART:

10 Q Mr. Heinritz, you have in front of you now
11 Exhibit 15, which is entitled "XP Report." Do you
12 see that?

13 A Yes.

14 Q And in the far left is a column entitled "XP Number,"
15 and it lists several, three to five, digit numbers.
16 Do you see that?

17 A Yes.

18 Q And they seem to be references to specific products;
19 is that right?

20 A Yes.

21 Q Okay. Are these NCR carbonless copy paper products?

22 MR. WESTERFIELD: Object to the form of the
23 question.

24 THE WITNESS: The first one on the sheet is
25 white CFB. That's NCR paper.

1 BY MR. BOGART:

2 Q Okay. Anything that has CFB or CF or CB would be NCR
3 paper; is that correct?

4 A Yes.

5 Q As well as the self-contained? Would that be --

6 A Yes.

7 Q -- NCR paper? White Xeroxable, is that NCR or
8 something else?

9 MR. WESTERFIELD: Objection, lack of
10 foundation.

11 THE WITNESS: Where do you see that on the
12 sheet? I don't see that.

13 BY MR. BOGART:

14 Q The -- about two-thirds of the way down, 1864, white
15 Xeroxable?

16 A Oh, yeah. I can't recall what that was.

17 Q Now, you are listed under a column entitled "Person
18 RESP," period. I assume that would mean responsible
19 person. You're listed for about seven products,
20 white -- you know, three versions of white Ascot
21 and -- actually four, two of black Ascot and one of
22 Dylux. Let's start with the white Ascot. What
23 product was that?

24 A Can I ask a couple questions first? What is the date
25 of this report and what does XP Report mean?

1 Q Well, that's what I was hoping you could tell me. Do
2 you recall ever receiving a report like this?

3 A I guess these are a month and date in the date coated
4 column there.

5 Q Correct. That's what I would assume.

6 A What do you want to know from me?

7 Q Well, it lists you as the person responsible for
8 several of these products.

9 A Yeah.

10 Q And I was wondering, first of all, whether --

11 A That was after I went out of NCR paper -- the NCR
12 paper responsibility and went into new business
13 development. White Ascot was a product we made with
14 a Tyvek base, which was from DuPont. You see it on
15 houses, Ascot or Tyvek now. But we used it as a
16 base -- a base material for some different things,
17 book covering, to replace book cloth and --

18 Q Okay. So that had nothing to do with NCR or its --

19 A No.

20 Q -- emulsion?

21 A No, nothing.

22 Q What about black Ascot? Is that similar?

23 A Yeah, that would have been a product made with Tyvek.

24 Q Okay. And then the last product listed on this
25 sheet, on Exhibit 15, is called Dylux, spelled

1 D-Y-L-U-X. Do you know what that product was?

2 A I can't recall that product, no.

3 Q Do you have any understanding or recollection as to
4 whether it would have been an NCR paper product?

5 A No.

6 Q You don't have any understanding, or it was not?

7 A I can't recall the product. That's what I told you.

8 Q Okay. You can't recall, but it's your testimony that
9 at this point in time, by 1970, you were no longer
10 dealing with NCR products, you personally?

11 A I can't recall the exact time when I did. But this
12 would indicate that I was not dealing with NCR.

13 Q Now, just so that we're clear on -- I want to make
14 sure that we have your history at Appleton Coated
15 Paper totally down. You took us through, I
16 believe -- you stated that in 1954 you became the
17 assistant manager in purchasing and then became the
18 manager in 1956, correct?

19 A Approximately.

20 Q Okay. How long were you the purchasing manager?

21 A I think about 10 years.

22 Q So about 1966?

23 A Yeah, something like that.

24 Q And then -- what were your responsibilities as the
25 purchasing manager?

1 A Well, I paid -- we bought all of our paper. Appleton
2 Coated made no paper. So we bought all of our jumbo
3 roll stock from various mills. And it was my
4 responsibility to buy that, plus all the supplies and
5 other things that we needed for our operations.

6 Q But correct me if I'm wrong, do I remember that you
7 said you did not purchase the NCR emulsion as part of
8 your responsibilities?

9 A That's -- that's correct.

10 Q What position did you hold at Appleton Coated Paper
11 after 1966?

12 A Well, I should explain a little bit. When I was
13 purchasing manager, I also got into some other things
14 as we developed the NCR paper and developing systems
15 to manufacture it and that sort of thing.

16 And after that time, I went into
17 becoming the NCR coordinator for Appleton Coated
18 Paper Company.

19 Q And what were your responsibilities as the NCR
20 coordinator?

21 A Well, it was like a sales position would be, but I
22 didn't -- I wasn't actually selling anything. But it
23 was like the coordinator between the two companies.

24 Q Kind of a liaison?

25 A Yes. But as I said, I did not have the

1 responsibility for the technical end of it. I
2 coordinated, but I didn't have responsibility for
3 that.

4 Q Could you tell me -- just so we better understand,
5 when you said you coordinated the relationship, what
6 was it that you were actually coordinating? What --

7 A Well, I coordinated the order entry and the order
8 processing, the --

9 Q So were these orders NCR orders for coating
10 production?

11 A They were orders from their customers. They sold the
12 customer -- they sold the paper to -- primarily to
13 forms manufacturers. And a lot of it was -- some of
14 it was sold to paper merchants. So they had
15 distributors all over the country, and they got the
16 orders from them, they sent them to us, and then we
17 had to make up those orders into something we could
18 make out of our jumbo rolls.

19 Q Were you responsible for determining how physically
20 you could make those products or simply just set it
21 up in the company so that that would be handled by
22 someone else?

23 A Well, there's a --

24 MR. WESTERFIELD: Object to the form of the
25 question.

1 THE WITNESS: I developed a system and did
2 it for many years, I don't know how many years. But
3 we had to accommodate our operations with these small
4 orders for 20 rolls of CB, white, 8 1/2 inch size or
5 something like that. Any size any customer wanted in
6 rolls or -- we would manufacture. At a minimum there
7 was a standard roll diameter so they could all be
8 made together out of a jumbo roll.

9 But in the rewinding department, we
10 had to set up sets, as we called them. You might
11 have -- if you had 20 rolls of eight and a quarter,
12 40 rolls of nine and three quarters, some other sizes
13 with different things, you set up a set for 20 rolls
14 because that was the least number in that set. And
15 then you would take other sizes of rolls and trim out
16 the master roll until you got -- until you got all of
17 the orders.

18 If you had one order for 20 rolls of
19 this, 40 rolls of that, obviously you would take 20
20 rolls of that and put the other 20 rolls with --

21 BY MR. BOGART:

22 Q So you were responsible for telling the workers how
23 to coordinate that work so that the rolls would be
24 trimmed properly?

25 A You sent those cut sheets, as we called them, down to

1 the rewinders, and then they would do that. Sheet
2 stock was in standard sizes. NCR had standard sizes.
3 And those, we made as kind of a standard product. We
4 could stock that.

5 And we had some stock-size rolls that
6 were sold to the -- to the roll customers, so we
7 could use those to balance out our cut sheets, too.

8 Q So were you actually on the mill floor supervising
9 those activities?

10 A No.

11 Q So you set up the system, and others supervised the
12 actual work; is that correct?

13 A Well, I did the -- I made them up, and then they were
14 down to the operations to implement them.

15 Q Did your responsibilities as NCR coordinator involve
16 any other activities other than the ones that you
17 just described for us?

18 A Well, there was -- there was -- there were a lot of
19 things to do, you know. We had to have warehousing,
20 we had to have a system to sort out the rolls for
21 shipment, and we had to have -- I don't know, I took
22 care of all that stuff for a long time.

23 Q So were you also responsible for fulfillment of the
24 customer orders?

25 A Not as such. It was -- we manufactured them and --

1 but I set up a lot of systems that handled them
2 through our plant. I also had charge of some of the
3 other departments in there like our storeroom and,
4 oh, I don't know, the warehousing. Anything like
5 that I was -- I directed that.

6 Q Were you warehousing broke and trim?

7 A Did we warehouse it?

8 Q Right.

9 A We had -- we had it on hand. After it was made into
10 bales, we had to put those somewhere until they were
11 put into railroad cars and shipped out, yeah, but I
12 didn't have anything to do with -- with storage or
13 shipping or anything like that.

14 Q You just set the bales aside until they could be
15 picked up?

16 A I don't even remember where we put them. I don't
17 think I had anything to do with that.

18 Q Was all the broke and trim baled?

19 A Yes, it would have been all baled.

20 Q Who was responsible for the baling of the broke and
21 trim?

22 A Well, it would have been one of the mill
23 , superintendents.

24 Q Can you remember any names of the mill
25 superintendents back in the late '60s?

1 A John Plach was our mill superintendent.

2 Q B-L-O-C-K?

3 A P-L-A-C-H.

4 Q Is he still alive?

5 A No, long gone. Hank Mader, he was in charge of our
6 rewinders. There were some other guys, too. But
7 those guys are all dead.

8 Q They're all dead?

9 A (Witness nods head.)

10 Q Can you remember anyone involved in the baling of
11 broke operations back in the late '60s or '70s that
12 might still be alive?

13 A No, I do not.

14 Q Now, you told us that you know the broke and trim was
15 sold to U.S. Paper & Supply. Any other names come to
16 mind?

17 A That's all I can come up with.

18 Q Was any of the broke and trim sold directly to
19 recyclers?

20 A Not that I recall, no.

21 Q How long were you the NCR coordinator? How long did
22 you hold that position?

23 A Must have been about 10 years, until 1970. That
24 would have been the cutoff date. But I don't
25 remember when I started. Those numbers are starting

1 to overlap a little bit, my purchasing operation --
2 duties and my other stuff, I don't know.

3 Q I think you mentioned earlier that there was no
4 longer a need for a NCR coordinator once NCR acquired
5 Appleton Paper -- Appleton Coated Paper, correct?

6 A Yes.

7 Q So right around the merger time is when you would
8 have no longer been the NCR coordinator; is that
9 correct?

10 A Yes.

11 Q What position -- you know, after the acquisition by
12 NCR of Appleton Coated Paper, what position did you
13 hold?

14 A Well, as I said before, I went into new business
15 development and then into sales and marketing.

16 Q And what were your responsibilities in new business
17 development?

18 A Well, Ed Mendels was our -- the head of the
19 department for new business development. And I was
20 given responsibility for such things as our Ascot and
21 some other things.

22 Q So non-NCR --

23 A Non-NCR.

24 Q -- products? And when you went into sales, was that
25 also for the Ascot products or --

1 A No, then I went into national account sales for the
2 NCR products again.

3 Q When about was that?

4 A Must have been in the '70s somewhere. '77, '78,
5 something like that.

6 Q Were you a sales rep? What were your
7 responsibilities?

8 A Well, we -- we didn't have any ivory tower
9 development. We looked for something in the market
10 that was needed, and we tried to make a product to
11 fit it.

12 One of them, as I mentioned, was book
13 covering to replace book cloth. And some of these
14 ideas for the Tyvek products were brought to us by
15 DuPont. We worked very closely with some of their
16 people to develop those. And I went out to visit
17 book manufacturers, for instance, and -- to have them
18 use this product instead of -- instead of book cloth.

19 I remember getting a big contract from
20 the state of California, because they made their own
21 textbooks, school textbooks. And we got that
22 contract, which kind of gave us a big lift into that
23 business. But then we had other customers all around
24 the country. I used to travel the country pretty
25 much.

1 Q When you got back into the NCR sales, when about --
2 what year was that, if you can recall?

3 A I think I mentioned that, didn't I? '70s somewhere.

4 Q Right. Well, you had estimated '77. Then you
5 started talking about non-NCR products. So I just
6 wanted to make sure that we were talking about the
7 same thing.

8 A Yes. Yes.

9 Q So you started -- went back into the selling --
10 dealing with NCR Paper this time at the national --

11 A This was national accounts. And I had -- I was given
12 five accounts, I think, to look after. These were
13 large customers. And I had to -- my job was to sell
14 them and to take care of them.

15 Q Who were those five customers?

16 A Well, Checks -- let's see, what was the name of that
17 company? They're up in Minnesota. National Checks?
18 No. Oh, boy. There was a customer in Chicago.
19 There was a couple of them there.

20 Q Can you recall any names of companies?

21 A I'm stretching my memory. I can think of them, but
22 I -- coming up with them offhand here is kind of
23 difficult. They were -- they were all forms
24 manufacturers or check companies. They're still
25 around. You would recognize the names.

1 Q Did you assume preexisting accounts for these
2 companies, or did you develop them starting in 1977
3 or whenever you did that?

4 A Well, some of them were existing accounts, but some
5 of them were either -- some of them were not using
6 our product. Some of them had used it and fallen
7 off, and some of them we would meet customers and we
8 wanted to be a supplier. I visited some of their
9 plants. I went to see headquarters people and that
10 sort of thing.

11 Q In dealing with those national accounts, did any of
12 them mention to you any concerns about PCBs in the
13 NCR paper?

14 A No.

15 Q And I take it you never notified them that at one
16 time NCR paper had PCBs in it, correct?

17 A No.

18 Q Well, I messed that up by saying correct. So was
19 that a correct statement?

20 THE WITNESS: Would you repeat the
21 statement, please?

22 MR. BOGART: Go ahead.

23 (Previous question read back.)

24 THE WITNESS: No.
25

1 BY MR. BOGART:

2 Q No, you did not?

3 A I did not. Deluxe Check Printers was the one I was
4 trying to think of.

5 Q They're in Minneapolis?

6 A Minnesota somewhere, yeah.

7 Q Do you recall who you met with at Deluxe?

8 A Well, I can't recall the guy's name. He's a great
9 guy, but I can't recall.

10 Q Do you recall what position he held?

11 A I think he was purchasing. Then I met with other
12 people as we developed the account. They had been an
13 account. And we did have some business with them,
14 but when I took it over, they were kind of
15 disenchanted with Appleton for a while. And I had to
16 reestablish that relationship.

17 Q Do you know why they were disenchanted with Appleton
18 at that point?

19 A Well, we were -- with NCR paper, we often had to go
20 on allotment with customers, and we didn't ship them
21 all they wanted. And we didn't handle them very well
22 at that point.

23 Q So you went into allotment because production
24 couldn't keep up with sales; is that correct?

25 A Yeah. Yes.

1 Q You're not aware of any other reasons why Deluxe was
2 disenchanted with Appleton Coated Paper at that
3 point?

4 A No.

5 Q Is Thomas B. Sullivan still alive?

6 A Yes.

7 Q Where does he reside?

8 A He resides in a little town up outside of New London.
9 It's about 30 miles from Appleton, northwest of
10 Appleton.

11 Q Do you recall the name of the little town?

12 A I'm just trying to think of it. I go through there
13 all the time, but -- it will come to me.

14 Q Do you recall the name P.E. Goddard, G-O-D-D-A-R-D?

15 A Yes.

16 Q And who is that?

17 A Well, Paul worked for me when I was -- I guess it was
18 when I was doing the NCR stuff a lot.

19 Q Is Paul still around?

20 A No. He's dead.

21 Q He's dead?

22 A Um-hmm.

23 Q How about A.J. Kneepkens, K-N-E-E-P-K-E-N-S?

24 A Yeah, Al Kneepkens. I think he was in the -- he was
25 in the finishing department in the mill, I believe.

1 Q Is he still alive?

2 A I don't know.

3 Q Do you know where he lived?

4 A No.

5 Q I have a couple other names that I don't think I
6 asked you about. A-S-F-R-I-N-A-K-A?

7 A Yes.

8 Q Do you recall that gentleman?

9 A Yes.

10 Q What did he do for Appleton Paper?

11 A He was an assistant to John Reeve.

12 Q What department was that?

13 A Well, John was president of the company, and -- I've
14 forgotten what his title was, but he was John's
15 assistant.

16 Q Do you know if he's still alive?

17 A Yes.

18 Q Where does he live?

19 A He lives in Kansas City.

20 Q Missouri or Kansas?

21 A Hmm?

22 Q Missouri or Kansas?

23 A Missouri, I'm sure.

24 Q And D.W. Russler, R-U-S-S-L-E-R?

25 A Yes.

1 Q Do you recall that person? What did Mr. Russler do
2 at Appleton Coated Paper?

3 A He was vice-president for finance.

4 Q Is he still around?

5 A Yes.

6 Q Where does he live?

7 A He lives in Minocqua, Wisconsin.

8 Q That's way north, isn't it?

9 A Yep, couple hundred miles.

10 MR. BOGART: Let's take a five-minute
11 break. I just want to take a look at my notes and
12 see if there's something I want to cover before you
13 have to leave.

14 THE WITNESS: Okay. Yeah, I've got another
15 three-quarters of an hour, but --

16 (Pause in proceedings.)

17 BY MR. BOGART:

18 Q Let's go back on the record. Mr. Heinritz, I want to
19 make sure that we've fully explored your monthly
20 meetings with NCR in the '50s and '60s when you went
21 with Mr. Busch.

22 A Um-hmm.

23 Q What was the agenda? Were there different agendas
24 for those monthly meetings?

25 A Well, I think we were kind of taking care of the

1 development of the business and the coordination of
2 the companies and how -- who would be responsible for
3 what and who did what and --

4 Q As between NCR and Appleton who would be responsible?

5 A Yeah.

6 Q How did -- what was finally decided through those
7 meetings, as far as responsibilities for developing
8 the product?

9 A Well, it's a continual process of development. Our
10 company had development, I had people coming to work
11 for me to do some of these jobs that I told you I was
12 doing and laying out orders and all that stuff.

13 And when we went to NCR, it was just
14 to hear them primarily, I think, see what their
15 concerns were and go home and do something about it,
16 coordinate all of that. As I said, the technical
17 department, technical end of it was not something
18 that I was responsible for and had not much knowledge
19 about.

20 Q And when you talk about the technical end, you're
21 talking about actually applying the coating to the
22 paper, is that right, or more than that?

23 A Well, application of the coating, I think of it as
24 the machines running the coating on the paper. And I
25 did not have responsibility for that. There was a

1 lot of development. We were developing new coating
2 machines. Tom Busch had patents on things. And we
3 had an experimental coater that they ran stuff on and
4 tried to invent new things.

5 We were trying to make our process
6 more efficient all the time, and we did a very good
7 job of that. That's why it was such a -- profitable
8 for us.

9 Q Were you doing experimental runs of NCR paper at that
10 time as well?

11 A Yes.

12 Q And did that involve working with NCR on how to
13 change the product?

14 A No, they weren't in it, because we were doing that on
15 our own. It was Appleton Coated Paper Company until
16 1970. So after that, of course, they were, but -- a
17 lot of their people were sent to Appleton, you know,
18 and worked for Appleton, which was NCR at that time,
19 you know.

20 Q After the acquisition? Is that what you're --

21 A Yeah. They sent a whole group of people to Appleton,
22 technical and sales and --

23 Q Do you have any understanding as to why they -- were
24 they replacing Appleton Coated Paper people with NCR
25 people?

1 A No, they brought their end of the thing to Appleton,
2 and they were put together as -- the sales department
3 was -- was -- as I said, Paul Truttschel had part of
4 the mill-grade sales, but there were other people for
5 NCR paper.

6 Q So define for me what you mean, NCR's end of it.
7 What were you referring to as -- when you said that?
8 You mentioned sales. ° Was it anything else?

9 A They had technical people that worked at Appleton.
10 Some of the guys that developed the coating for --
11 the encapsulation process came to work for us,
12 Sandberg and some of those guys. I don't think any
13 of them are around anymore, but there's a guy named
14 Barry Green that actually invented the encapsulation
15 process kind of by accident down at NCR. And he
16 didn't come to Appleton, but we knew him. He died a
17 long time ago.

18 Q How about Mr. Sandberg?

19 A Bob Sandberg I don't think is around either. And
20 there were quite a few others, too.

21 Q Do you have any understanding what Mr. Sandberg and
22 his group were doing in Appleton with respect to the
23 actual coating itself?

24 A Well, there was a continual process of developing and
25 maintaining the coating, you know. As you said, they

1 changed from -- they changed the formula in 1970 to
2 get rid of the Araclor and PCBs, I guess. So that --
3 all that kind of stuff was all handled in the
4 technical department.

5 Q Do you now recall that switch or --

6 A I'm just telling you what's in your papers here. And
7 I got copies of all those papers, so I can recall
8 some of that, but I don't -- I never had anything to
9 do with it. I was on a -- I got copies of all this
10 stuff because I was on John Reeve's staff, and the
11 staff members got everything, so --

12 Q So when you say you got copies, you mean at the time
13 you were copied in on things. Right?

14 A Yeah.

15 Q You're not saying you still have some documents from
16 the old days at Appleton Coating back at the house or
17 anything, are you?

18 A No.

19 Q Okay. Do you have any documentation from your days
20 at Appleton Coated Paper?

21 A I got a file at home with stuff in it. I don't know
22 what's in there anymore. But it wouldn't be anything
23 to do with -- with -- I don't know what it is.

24 Q If we could ask you to go home and check the files,
25 and if it has anything to do with NCR or emulsion or

1 anything like that, get --

2 A I can assure it doesn't have anything that would be
3 of any benefit to you.

4 Q Well, if you could check and provide it to counsel, I
5 would appreciate that. Would you do that for me?

6 A Sure.

7 Q Thank you. Were you familiar at all with Hilltop
8 Laboratories?

9 A No.

10 Q So you wouldn't be aware of any testing Hilltop might
11 have done on the NCR paper or on the emulsion?

12 A No.

13 Q Did you ever hear a reference to the Jensen report?

14 A Jensen?

15 Q Yes.

16 A No.

17 Q Any reference to a Swedish researcher who found PCBs
18 to be an environmental problem?

19 A No.

20 Q Did Appleton Coated Paper have any relationship with
21 the Combined Locks mill?

22 A Yes.

23 Q And what was that relationship?

24 A Well, they supplied us with some of our base paper,
25 and they supplied us with the CF sheet, which they

1 made on the machine.

2 Q So they actually coated one of the sheets?

3 A They could make CF at that time.

4 Q And who owned Combined back then, Combined Locks
5 mill, if you know?

6 A Now it's owned by Arjo Wiggins.

7 Q Back in the 1960s and '70s, any idea?

8 A It was independent, Combined Locks Paper Company.

9 Q Did NCR acquire Combined Locks as well as Appleton
10 Coated Paper?

11 A Well, Arjo -- yeah, they did. Yes, they did. NCR
12 bought Combined Locks.

13 Q About the same time it bought Appleton?

14 A I think it was before. I'm not sure. I think it was
15 before. They were Combined after that. And our
16 mill -- our company management was responsible for
17 both mills, but --

18 Q Do you know when that happened?

19 A Well as soon as they bought us -- NCR had owned them
20 for a few years, and they were trying to run it and
21 they were doing a lousy job. So they dumped it on
22 John Reeve and our staff, and we were responsible for
23 it.

24 Q Were there any issues that you're aware of at the
25 Combined Locks mill concerning skin irritation

1 experienced by workers dealing with the emulsion?

2 A No.

3 MR. WESTERFIELD: Objection, lack of
4 foundation.

5 THE WITNESS: No.

6 BY MR. BOGART:

7 Q I think that's all I have. Open it up to anyone else
8 who wants to supplement. Thank you, by the way.

9 A You're welcome.

10 EXAMINATION

11 BY MR. HARBECK:

12 Q I have some questions. Good morning.

13 A Good morning.

14 Q Actually, it's barely afternoon. My name is Bill
15 Harbeck. I represent Wisconsin Tissue Mills. Can
16 you hear me okay from here?

17 A Yes.

18 Q If you can't, let me know.

19 People on the phone, I'll try to speak
20 up so they can hear me also.

21 And I apologize, I'm going to try not
22 to retread old ground, but I may do a little bit of
23 that in some of my questions. And, again --

24 A Okay.

25 Q -- this is not to torture you, but just so I have a

1 better understanding.

2 A Sure.

3 Q First, can you tell me what your date of birth is?

4 A November 16th, 1923.

5 Q Thank you. If you can just give me a very -- a brief
6 description of the business, in your words, that
7 Appleton Coated Papers was in. And I sometimes may
8 refer to Appleton Coated Papers as just Appleton
9 Papers for the sake of simplicity. Just describe in
10 general what the business was during the 1950s and
11 1960s.

12 MR. WESTERFIELD: Objection to the form.
13 Go ahead.

14 THE WITNESS: Before 1954, we were a job
15 coating mill. Job coating, but we also had some
16 stock product, some stock lines which we sold to
17 paper merchants, colors and whites. For many, many
18 years we made the stock for Pall Mall cigarettes and
19 Lucky Strike cigarettes. That went out the window
20 when machine coating got geared up and they could
21 make that on the machine. So then we went out of
22 that business.

23 We also had a large number of
24 companies and made a variety of products for them
25 which required coating. We bought our base papers.

1 We didn't make any papers. And those products, some
2 of them still exist.

3 But a lot of them were made for the
4 merchant trade in sheet stock, and a lot of them were
5 made in roll form.

6 BY MR. HARBECK:

7 Q Can I interrupt you just for a second?

8 A Yes.

9 Q You're talking primarily before 1954 right now?

10 A Yes.

11 Q When you say we were a job coating mill, what do you
12 mean by coating?

13 A Coating is done on a machine in which you put a
14 liquid coating on the surface of a -- of paper in the
15 rolls. The rolls unwind and go through a coating
16 process and our -- we had brush coaters which applied
17 the coating. It brushed it out on the surface of the
18 paper.

19 And then these were -- this went down
20 a drying line in which the paper was just looped like
21 this all the way down a drying line, which is
22 probably 100 feet long or more until it dried. We
23 had heating in there and stuff. Air coat it; then we
24 also had enclosed coaters.

25 Q Let me stop you just for a second because I think

1 I've got the general idea of what coating meant,
2 entailed. That's just putting a coating on top of a
3 base paper?

4 A That's correct.

5 Q And you were putting that coating on according to
6 what your customer's specification?

7 A Yes.

8 Q And did you make that coating, or was that supplied
9 to you by the customers or somewhere else?

10 A We made the coatings.

11 Q Okay. And then after you applied the coating to the
12 paper, did you then create rolls or sheets, or was
13 there another process after the coating was applied?

14 A There was a calender operation, which was putting the
15 paper through a series of large rolls, both steel and
16 compressed cotton rolls. And that put a glaze to the
17 surface. It compressed the paper and put a smooth
18 finish on it.

19 Q Okay. And then was part of the end operation cutting
20 or trimming or creating rolls or sheets?

21 A The end -- after the calenders, it went either to the
22 sheeters or to the rewinders. And the rewinders, of
23 course, made rolls, and sheets were made on a
24 sheeting machine.

25 Q And tell me what a sheet is. I think I understand

1 what a roll is.

2 A A sheet, yeah. Well, sheets were made in sheet form,
3 like 22 1/2 by 34 1/2, which would go into a printing
4 press. You know, a printing press feeds paper in in
5 sheets.

6 Q And those were inches, those specifications were
7 inches, the dimensions were inches?

8 A Yes.

9 Q So you would make smaller, individual sheets in the
10 sheeting process?

11 A Yes.

12 Q Okay. Now, from 1954 through about 1971, what was
13 the business of Appleton Paper? Was it --

14 A 1954 to 1971?

15 Q Yes.

16 A We continued making our original products, our --
17 what did we call them? The ones we made before NCR.

18 Q Okay.

19 A But after we got into NCR paper, it soon overtook the
20 bulk of our business. And our merchant grades and
21 stuff were a declining part of the business. That's
22 still the way it is now.

23 Q And if you could just describe, again, in general
24 terms the relationship you had with NCR in terms of
25 the manufacture of this paper. Just tell me how it

1 worked in terms of the making of the paper.

2 MR. WESTERFIELD: Object to the form of the
3 question.
4

5 BY MR. HARBECK:

6 Q Do you understand the question?

7 A I think so. We bought the base stock. We bought the
8 jumbo rolls of base stock. And they supplied us with
9 the emulsion coating. And then we -- we sold the
10 paper all back to them, and they supplied us with the
11 orders. So we made up the orders for them. Did all
12 the manufacturing, but they actually handled the
13 orders from customers and had their own sales force
14 to do that, to go out and call on the merchants and
15 the business forms manufacturers.

16 So we coated it, we rewound it,
17 sheeted it, put it into cartons, put it into rolls,
18 and shipped it to their customers.

19 Q Okay. So where did the emulsion come from?

20 A Well, they shipped it out of Dayton until they built
21 the plant in Portage, Wisconsin. They built a plant
22 here in Portage, because they were supplying us, and
23 they were supplying -- Nakoosa-Edwards I think it was
24 made -- or Consolidated over there made some paper
25 form, too. And Combined Locks -- well, they didn't

1 get emulsion for a long time, but --

2 Q Okay. So the emulsion came initially from Dayton,
3 and then it came from Portage?

4 A Yes.

5 Q Do you know about when that transition occurred?

6 A No, I can't recall. It was probably in the '70s.

7 Q Were you ever getting emulsion from both places?

8 A Not that I remember.

9 Q Okay. Did Appleton Paper have any input at all into
10 the makeup of the formula for the emulsion?

11 MR. WESTERFIELD: Objection, lack of
12 foundation, to the form.

13 THE WITNESS: No.

14 BY MR. HARBECK:

15 Q Okay. How do you know that?

16 A I don't think I can answer that question. I just
17 don't -- I don't recall any input into the emulsion
18 formulation.

19 Q Okay. So from your understanding, the emulsion would
20 come in whatever formulation it was, and Appleton
21 Paper would apply it -- would coat the paper with it;
22 is that right?

23 A Yes. Yes.

24 Q Just in terms of how Appleton Paper got paid for
25 this, was it your understanding that -- well, if you

1 can tell me how it worked. I don't want to put words
2 into your mouth. Were you paid so much per quantity
3 or volume of paper by NCR to coat it, or did you get
4 payment in another fashion?

5 MR. WESTERFIELD: Objection, lack of
6 foundation to the form.

7 BY MR. HARBECK:

8 Q Do you know the answer to that?

9 A I think we got paid for the shipments that we made to
10 their customers.

11 Q Who paid you?

12 A NCR.

13 Q Okay. So do you know, did Appleton Paper ever take
14 ownership of the paper that was being made?

15 MR. WESTERFIELD: Objection, lack of
16 foundation, also to the form.

17 THE WITNESS: Yes.

18 BY MR. HARBECK:

19 Q They did take ownership?

20 A Sure.

21 Q Okay. And then tell me how they made their profit
22 from the sales of NCR paper.

23 MR. WESTERFIELD: Objection, lack of
24 foundation.

25 THE WITNESS: Well, we had a markup on

1 our -- on our coating product -- on our manufacturing
2 process. And we had a normal way of making profit.

3 BY MR. HARBECK:

4 Q Do you know what a tolling arrangement is?

5 A Tolling? °

6 Q Yes. °

7 A I can imagine, but I wouldn't -- I wouldn't associate
8 that with our arrangement.

9 Q Okay. So your arrangement, as far as you understood
10 it, was not a tolling arrangement?

11 A No.

12 MR. WESTERFIELD: Object to the form of the
13 question.

14 BY MR. HARBECK:

15 Q Did you understand the question?

16 A I think so.

17 Q Thank you. °

18 A By tolling, you mean we would do something, and they
19 would pay us for doing it but we didn't have
20 responsibility for it. Is that it?

21 Q In the end you didn't take actual ownership of the
22 product. °

23 A No.

24 Q As far as you know, Appleton Paper actually took
25 ownership of the NCR paper that it was manufacturing?

1 MR. WESTERFIELD: Object to the form, also
2 to foundation.

3 BY MR. HARBECK:

4 Q Is that correct?

5 A As far as I remember, yes.

6 Q Okay. With respect -- this manufacturing process you
7 described created broke and trim; is that correct?

8 A Yes.

9 Q And you understand that that broke -- we'll just call
10 it broke for short. This is the scrap or leftover
11 paper made from the manufacture of NCR paper?

12 A Yes.

13 Q You understood that that was sold to broker-dealers?

14 A Yes.

15 Q And the only one you could recall was U.S. Paper &
16 Supply, correct?

17 A Yes.

18 Q And you said that you knew that broker-dealers were
19 then selling that paper to paper recyclers, correct?

20 A Yes.

21 Q And let me ask you this: Just tell me how the
22 shipment of that broke occurred. You described it
23 being put on rail cars?

24 A Yes.

25 Q Tell me what your understanding was in terms of the

1 shipment of it from Appleton Papers to the --
2 ultimately to the paper recyclers.

3 A Yeah, I think it all went out in rail cars.

4 Q Okay. And then what happened? Did it go to the
5 broker-dealers? Did they have --

6 A No, we would ship it to their customers.

7 Q Okay. So as far as you understood, all of the broke
8 and trim was shipped directly to the paper recyclers?

9 A Well, I can't tell you that. They may have stored
10 some of it somewhere, but I don't remember.

11 Q Well, was the -- let me ask you what your
12 understanding of the general practice was. Was it
13 generally shipped directly to the paper recyclers?

14 A Yes.

15 MR. WESTERFIELD: Objection, lack of
16 foundation.

17 BY MR. HARBECK:

18 Q And you would know that based upon your function and
19 duties while you were at Appleton Papers; is that
20 true?

21 A Yes.

22 Q Do you recall the names of any of the paper recyclers
23 who ended up obtaining this broke and trim?

24 A Well, Bergstrom Paper Company received a lot of it, I
25 think.

1 MR. WASKOWSKI: What was that name?

2 MR. HARBECK: Bergstrom.

3 THE WITNESS: There weren't too many people
4 or too many paper manufacturers who recycled paper at
5 that point.

6 BY MR. HARBECK:

7 Q Was it your understanding that the recyclers who were
8 receiving this broke and trim were those located
9 generally in the Fox Valley area?

10 MR. WESTERFIELD: Objection, lack of
11 foundation.

12 THE WITNESS: I don't know that.

13 BY MR. HARBECK:

14 Q Did you have an understanding that some of it went to
15 the paper recyclers or paper manufacturers in the Fox
16 Valley area?

17 A Yes.

18 MR. WESTERFIELD: Same objection.

19 BY MR. HARBECK:

20 Q And you would know that based upon, again, your
21 duties and responsibilities while at Appleton Paper?

22 A I worked there. I don't know. Everybody knew that.

23 Q Okay. Do you recall any other names of any other
24 paper manufacturers to whom shipments of broke and
25 trim went during the 1950s and 1960s up until 1971?

1 MR. WESTERFIELD: Objection, lack of
2 foundation.

3 THE WITNESS: I can't give you names with
4 any certainty, no.

5 BY MR. HARBECK:

6 Q Okay. Did you have an understanding as to why the
7 paper recyclers or manufacturers wanted the broke and
8 trim?

9 A That's what they did. They recycled. Bergstrom
10 Paper Company had a process of recycling which was
11 one of the first and best in the country, I believe.

12 Q What component of the broke and trim, as far as you
13 understood, was important to the paper recyclers?

14 MR. WESTERFIELD: Objection, lack of
15 foundation.

16 THE WITNESS: Well, they were after the
17 fiber in the paper. The coating, they dispersed --
18 you know, Bergstrom had a place in -- they built an
19 island out of the solids that they took, but the
20 liquid part went out.

21 BY MR. HARBECK:

22 Q So when you say the liquid part of it went out,
23 you're talking about the coatings that was on the
24 paper itself? °

25 MR. WESTERFIELD: Objection, lack of

1 foundation.

2 THE WITNESS: The coating was -- was -- a
3 lot of the coatings were composed mainly of clay. So
4 that's what -- that was the solids that they -- that
5 they took out of the broke and got rid of those. And
6 the fibers they kept to make into paper again.

7 BY MR. HARBECK:

8 Q Okay. So the paper recyclers wanted the fibers and
9 didn't want anything else that might have been part
10 of the broke and trim, as far as you knew?

11 A Yes.

12 MR. WESTERFIELD: Objection, lack of
13 foundation.

14 BY MR. HARBECK:

15 Q And did you have an understanding that as a result of
16 the recycling, the other stuff that they didn't want,
17 like the clays and anything else that was in the
18 coating, would go out and be all waste?

19 MR. WESTERFIELD: Objection, lack of
20 foundation, also to the form of the question.

21 BY MR. HARBECK:

22 Q Did you have that understanding?

23 A I don't know.

24 Q Well, you described this island --

25 A As far as I know, that's right. But I can't tell you

1 with certainty what they did with all those
2 ingredients from their broke. They -- I didn't ever
3 get into that.

4 Q Right, in terms of what they did with it, but you
5 knew it was essentially a waste product, not
6 something that they would end up using to make more
7 paper with, correct?

8 A Yes.

9 MR. WESTERFIELD: Objection to the form of
10 the question, also lack of foundation, calls for
11 speculation.

12 BY MR. HARBECK:

13 Q You stated that you didn't have any understanding
14 that the NCR paper emulsion was made with PCBs; is
15 that correct?

16 A That's correct.

17 MR. WESTERFIELD: Hold on. Could you read
18 the question back? I'm sorry. I missed it.

19 (Previous question read back.)

20 THE WITNESS: Yes.

21 MR. WESTERFIELD: Go ahead.

22 BY MR. HARBECK:

23 Q Is it that you -- you didn't know it back then, or
24 you can't recall today whether you knew it back then?
25 That's what I'm trying to figure out.

1 A So am I. No, I didn't have knowledge.

2 Q Okay. We saw before Exhibit 3. If you could just
3 pull back out Exhibit 3 for a second. And if you go
4 to page seven, which Mr. Bogart had you look at
5 before, which is at the bottom, the Bates is
6 GLTFOX00003726. And there's the section entitled
7 "MIBP Emulsion." Do you see that?

8 A Yes.

9 Q Now, that -- this is an Appleton Coated Paper
10 document dated September 30th, 1970. Quarterly
11 Activity Report. And that paragraph that refers to
12 MIBP emulsion talks about that emulsion being a
13 replacement for, in short, PCBs, correct?

14 MR. WESTERFIELD: Objection, lack of
15 foundation, document speaks for itself.

16 BY MR. HARBECK:

17 Q I'm just asking you what it says, the very first
18 paragraph.

19 A Chlorinated biphenyl, Araclor was used to produce
20 paper. So what are you asking?

21 Q My question is, at this point is it fair to say,
22 based upon this document, that people at Appleton
23 Paper knew that there were PCBs in the emulsion used
24 to make the NCR paper?

25 MR. WESTERFIELD: Objection, lack of

1 foundation.

2 THE WITNESS: It would appear that they
3 did, because this is a company document. But --

4 BY MR. HARBECK: °

5 Q But you just can't --

6 A Personally I knew nothing about PCBs or what they
7 meant or what they -- what they would do. I
8 didn't -- I don't recall anything like that.

9 Q Mr. Bogart asked you some questions about what the
10 broker-dealers may have been told in terms of the
11 broke from the NCR paper.

12 A Yeah.

13 Q And I just want to make sure I have this right. To
14 your knowledge, were any of the broker-dealers to
15 whom the NCR paper broke and trim was sent, were any
16 of them notified that there were PCBs on that paper?

17 A I have no knowledge of that.

18 Q And to your knowledge, were any of the paper
19 recyclers to whom the broke and trim ultimately went,
20 were any of them notified about the existence of PCBs
21 in the NCR paper?

22 A I have no knowledge of that, no.

23 Q Okay. And to your knowledge, were any of the
24 broker-dealers to whom the NCR broke and trim went
25 given any notice or advice or warning about the

1 potential toxicity, either to humans or to the
2 environment, that could arise from the recycling of
3 the NCR broke and trim?

4 MR. WESTERFIELD: Object to the form of the
5 question.

6 THE WITNESS: I have no knowledge of that.

7 BY MR. HARBECK:

8 Q And the same question with respect to the paper
9 recyclers, were any of them, to your knowledge, given
10 any advice, notice, or warning about the potential
11 toxicity issues or environmental issues that could
12 arise from the recycling of NCR broke and trim?

13 MR. WESTERFIELD: Same objection.

14 THE WITNESS: Not from me. I had no
15 knowledge of it.

16 BY MR. HARBECK:

17 Q Okay. You said you sent the NCR paper that you
18 manufactured to various customers of NCR's?

19 A Yes.

20 Q To your knowledge, were any of those customers
21 notified about the presence of PCBs in the NCR paper?

22 A No.

23 MR. WESTERFIELD: Object to the form and
24 lack of foundation.

25
G

1 BY MR. HARBECK:

2 Q I'm sorry, your answer was?

3 A No, I have no -- I have no knowledge that they were
4 ever involved in any discussions of that kind.

5 Q Okay. And to your knowledge, were any of the
6 customers for the NCR paper ever advised or notified
7 about the potential toxicity or environmental issues
8 that could arise from using the NCR paper with PCBs
9 in the emulsion?

10 A No.

11 MR. WESTERFIELD: Object to the form and
12 also lack of foundation.

13 BY MR. HARBECK:

14 Q This broke and trim that was sold to the
15 broker-dealers, Appleton Papers just -- made money
16 off that, correct?

17 A Well, it was -- it was an incidental item to us. We
18 just had to get rid of it. We took in money for it,
19 but we didn't -- we didn't try to -- it wasn't a
20 profit center or anything like that.

21 Q Why didn't Appleton Papers landfill the NCR broke
22 coating?

23 A It was a useful product to others to recycle.

24 Q He asked you about the Mackville Dump?

25 A Yeah.

1 Q To your knowledge, was any of the NCR broke and trim
2 sent to the Mackville Dump?

3 A I don't know.

4 Q Do you have any idea about an average, what sort of
5 revenue -- profit or not is sort of a different
6 issue, but what sort of revenue was generated from
7 the sale?

8 A I have no recollection of that, no.

9 Q Was there ever any discussion about incinerating the
10 broke and trim?

11 A Not to my knowledge, no.

12 Q To your knowledge, was any of the NCR broke and trim
13 ever incinerated?

14 A No.

15 Q Give me a minute.

16 A Sure.

17 Q What department would have been in charge -- again,
18 this is during the 1954 to 1971 time frame -- would
19 have been in charge of arranging for the sale of the
20 broke -- the NCR paper broke and trim?

21 A It might have been the purchasing department. But I
22 don't recall who was in charge of that. I know I --
23 when I was in purchasing, I had some dealings with
24 those guys. I didn't -- I didn't sell it or go out
25 and actively participate in this.

1 Q Okay. That was not one of your duties or
2 responsibilities?

3 A No.

4 Q Okay. In connection with the generation of this NCR
5 broke and trim, was that -- when it was shipped to
6 the broker-dealers, generally, if you know, would
7 that have been a homogeneous all broke and trim
8 bales, or would paper have been mixed in that was
9 non-NCR paper?

10 A No, I think they were separated.

11 Q They were separated?

12 A (Witness nods head.)

13 Q Did the non-NCR paper broke and trim also go to
14 broker-dealers?

15 A Yes.

16 Q Okay. Same process that you described before?

17 A Yeah.

18 Q Okay. If I looked at a bale of NCR paper broke and
19 trim -- and this is, again, broke and trim that was
20 generated 1954 to 1971 -- and I looked at a bale of
21 just other paper, non-NCR broke and trim, would I,
22 looking at it, be able to tell the difference?

23 MR. WESTERFIELD: Objection, lack of
24 foundation. Calls for speculation.

25 MR. HARBECK: That's a fair objection.

1 Q But would you be able to tell the difference?

2 A I don't know. If it was white, I might look at a
3 white bale. And if I didn't go up and feel it or
4 whatever, it wouldn't be distinguishable. But I --
5 it could be. I mean, they were kept separate. We
6 kept our colors separate. Some of the colors were
7 more recyclable than others, some of them -- and in
8 the NCR grades, CB, CFB and CF, I don't know if they
9 were kept separate or not. I don't recall.

10 Q But just by looking --

11 A They probably were.

12 Q Okay. But let me ask, just by looking at a paper of
13 NCR broke and trim and a non-NCR broke and trim,
14 would you be able to tell the difference?

15 MR. WESTERFIELD: Objection, lack of
16 foundation.

17 THE WITNESS: Not if they were both the
18 same color, no.

19 BY MR. HARBECK:

20 Q And the non-NCR broke and trim would have been
21 various colors, just like the NCR broke and trim?

22 A Yes.

23 Q Would there have been a way to -- let me ask you this
24 question: If you had a bale of mixed NCR paper and
25 non-NCR paper, various colors, would you have been

1 able to tell which was the NCR paper versus which was
2 the non-NCR paper?

3 MR. WESTERFIELD: Object to the form of the
4 question. Lack of foundation.

5 THE WITNESS: Well, they weren't mixed, for
6 starters. But if they had been --

7 BY MR. HARBECK:

8 Q Yeah.

9 A -- you would have to examine them to find out what
10 the coating was.

11 Q So you would have to actually do a test on the
12 coating?

13 A Well, you could probably do it visually, but I'm not
14 sure.

15 Q Tell me how you would do it visually.

16 MR. WESTERFIELD: Objection, lack of
17 foundation.

18 THE WITNESS: You would have to know the
19 paper grades and be familiar with the operation and
20 that. But some of them you could -- probably
21 wouldn't be able to tell. But I'm just generalizing
22 on your question. But without a thorough
23 examination, you would not be able to tell.

24 BY MR. HARBECK:

25 Q And what I'm trying to understand is what kind of

1 thorough examination would you be -- would you need
2 to undertake in order to tell the difference between
3 a mixed bale of --

4 A Well, I don't know.

5 MR. WESTERFIELD: Objection, lack of
6 foundation, also to the form.

7 THE WITNESS: The ultimate test would be to
8 give it to a technical department and tell -- ask
9 them what the heck is in there.

10 BY MR. HARBECK:

11 Q And they would have to run some sort of chemical test
12 are you saying?

13 MR. WESTERFIELD: Same objections.

14 THE WITNESS: Well, I don't know. We
15 could -- we could go back and identify the grades we
16 manufactured and probably pick it out, you know.

17 BY MR. HARBECK:

18 Q But let me ask you this: Are you -- if you're an end
19 user of this stuff, let's say you get a bale --
20 you're a paper recycler, you get a bale of paper. Is
21 there any way for you to tell from that bale of paper
22 by looking at it or touching it whether or not
23 there's NCR paper in it versus -- compared to non-NCR
24 paper?

25 A No.

1 MR. WESTERFIELD: Objection, calls for
2 speculation.

3 BY MR. HARBECK:

4 Q The answer's no?

5 A Yes.

6 Q Okay. Do you have an idea about how much broke --
7 NCR broke and trim would have been generated on a
8 annual basis or any other basis?

9 MR. WESTERFIELD: Object to the form of the
10 question.

11 THE WITNESS: No, I can't recall any number
12 of pounds or tons or whatever.

13 BY MR. HARBECK:

14 Q Can you give us any estimation in terms of, you know,
15 quantifying it by percentage of, you know, actual
16 paper manufacture versus broke that was generated?

17 A Well, we got pretty efficient with our operations,
18 and we got our broke down to a relatively small
19 number, under 10 percent.

20 Q Under 10 percent?

21 A (Witness nods head.)

22 Q At what point in time did you get down to that level
23 of efficiency?

24 A Probably in the '60s.

25 Q Can you do any better than that? Mid-'60s, late

1 '60s, early '60s?

2 A No.

3 Q Let me ask you just a little bit about the coating
4 process. You're making a roll of NCR paper, and so
5 you're going to coat it with this emulsion. When you
6 coated it with the emulsion, did you coat the
7 entire -- the entire sheet before any trimming or
8 cutting, or did you coat a little bit less than that
9 knowing that there would be some cutting at the edges
10 and you didn't want to use up the emulsion?

11 A We did not coat it to the edge of the sheet. We had
12 a trimmer -- we had -- we had scrapers on the rolls.
13 If the coating is applied to a roll maybe that big
14 and --

15 Q That big being about a foot and a half?

16 A About that diameter, yeah.

17 Q Okay.

18 A Some of them were smaller, some were bigger. But it
19 was all air knife coated. And we had scrapers -- we
20 bought our paper rolls, our base stock, 1 1/2 inches
21 wider than the sheet -- than the perfect paper that
22 we wanted. So we had a three-quarter inch scraper on
23 each side of the sheet. If you didn't do that, the
24 coating would get on the back side, and it would be a
25 mess.

1 So we scraped the edges, and then when
2 we -- when we rewound it, put it through the
3 rewinders, that was put -- was cut off.

4 So all the broke did not have coating
5 on it. In fact, most of the broke from the rewinder
6 would not have been coated. It would be -- there
7 would be some coating on there.

8 The sheet process was somewhat
9 different. That -- that was coated the same way,
10 with a scraper, and it was in rolls. But when it
11 went through the sheeter, it was cut off in sheets
12 that piled up on the end of the machine.

13 Then it was sent to the trimmers. And
14 they were -- they were -- it was a big knife that
15 came down and sliced through the edges and squared
16 the paper off and took the trim off. And that --
17 some of that -- when they squared the sides that were
18 coated -- two sides would have coating on them, and
19 two had the edge trim on them -- they would get some
20 coated stuff in there.

21 Q In the broke generated?

22 A Sure.

23 Q Okay.

24 A And, of course, the rolls had some broke in it,
25 too -- I mean some edge trim had coating on it, but

1 most of it didn't.

2 Q Okay.

3 A And then there was waste from the -- from the coating
4 process, too. If you have a break in the rolls, you
5 would have to slab off some coating -- some coated
6 part that was not usable, and that went in the broke.

7 Q Tell me a little bit more about that part of it.

8 A Okay. You're running a roll of paper, and it's
9 coated on one end, goes through a big dryer, and then
10 it's wound up on the other end.

11 And if you didn't make the splice on
12 the other end -- we had a flying splice so we didn't
13 have to stop the machine to change from one roll to
14 another. This was a two-arm -- a roll on the other
15 arm and two arms on the end one. So we could make a
16 splice on the fly on each end. But if they missed a
17 splice, they had to shut the machine down and
18 straighten it out.

19 So then we had broke from that
20 process.

21 Q And how was broke created from that process? Where
22 was the broke created in the connection with that
23 failure to splice?

24 A Well, they had to rethread the machine in some cases.
25 And the paper that was -- that was going through

1 there was broke.

2 Q Okay. So you would have big, longer sheets of just
3 the entire coated --

4 A You would have -- yeah, you would have the entire
5 coated sheet, yeah.

6 Q That would then go into the broke pile?

7 A As far as I remember, it all did, yeah.

8 Q Now, you said that -- something about blemished
9 rolls, there weren't any blemished rolls of NCR
10 papers?

11 A No.

12 Q But there were blemished rolls of the non-NCR paper?

13 A Seconds we called that.

14 Q Seconds?

15 A Um-hmm.

16 Q How did you avoid creating blemished rolls of NCR
17 paper?

18 A Well, it either worked or it didn't work. Well, we
19 might have had some -- we had to take out -- for
20 instance, if there was a hole in the paper from the
21 manufacturing -- paper manufacturing process or
22 something, we had to take all that out. But we
23 didn't have -- we didn't have any seconds from that.

24 Q So in that event, would that then just go in the
25 broke pile?

o

1 A Sure.

2 Q Okay. So broke would consist of -- or include the
3 trimmings from the roll, manufactured rolls, the
4 manufactured sheets, which you described, the
5 splicing issue or problem which you described, and
6 then defects or blemishes in the NCR paper that would
7 go into the broke pile as opposed to being sold to
8 customers?

9 A When it was rewound, all this -- all the edges were
10 trimmed. And if there was any part of a process
11 where they had to -- anything on the coating machine
12 that was a problem, they would stick a marker in the
13 edge. And then at the rewinders they would look for
14 those markers and find the defective paper and take
15 it out.

16 Q Okay. So the processes I just described were those
17 that created the NCR broke and trim?

18 A Um-hmm.

19 Q Anything else that I missed that would also have
20 created NCR broke and trim?

21 A That was our complete manufacturing sequence, yeah.

22 Q Okay. You said at some point you got to sort of a
23 10 percent efficiency. In other words, you -- out of
24 the manufacturing process, about 10 percent of the
25 paper would be broke and trim?

1 MR. WESTERFIELD: Objection,
2 mischaracterizes prior testimony. He said under
3 10 percent.

4 BY MR. HARBECK:

5 Q Under 10 percent. I don't want to put words in your
6 mouth. I apologize if I did.

7 A Yeah.

8 Q Before you got to that level, what was it, whenever
9 you made that sort of transition to a little bit
10 better efficiency?

11 A I don't know, I think -- I think NCR figured we made
12 it about 85 percent efficient. But we got it up to
13 where we were doing -- we were getting way up in the
14 nineties.

15 Q So at some point it was roughly you had about a
16 15 percent -- I'll say 85 percent efficiency before
17 you transitioned into this --

18 MR. WESTERFIELD: Objection, objection.
19 That mischaracterizes testimony.

20 THE WITNESS: Back at the beginning of the
21 process when we started in 1954 and for a few years
22 after that, yeah.

23 BY MR. HARBECK:

24 Q You were at what kind of efficiency?

25 A I don't know.

1 Q Roughly 85 percent?

2 A Probably.

3 Q Okay. Combined Locks, you said they provided you
4 with the CF paper, correct?

5 A Yes, and base paper.

6 Q And base paper. But the CF paper did not contain
7 emulsion with PCBs, correct?

8 A That's correct.

9 Q To your knowledge, did Combined Locks ever get
10 involved in the manufacture, either on a trial run or
11 other basis, of NCR paper?

12 A Yeah, they did a lot of trial work down there.

13 Q And during what period of time did they do that trial
14 work?

15 A I don't remember.

16 MR. WESTERFIELD: Objection, lack of
17 foundation.

18 THE WITNESS: It would have been later in
19 the years somewhere.

20 BY MR. HARBECK:

21 Q And I'm most interested in -- and if I didn't say
22 this, the focus of my time frame is 1954 up until
23 about mid-1971. Were they doing -- making NCR paper
24 on a trial basis, as far as you understood?

25 A I can't answer that. I don't know.

Q You just know at some point they were doing this?

A At some point they were doing trial work down there, yeah.

Q Do you know --

A NCR owned them.

Q Prior to NCR acquiring Combined Locks, do you know whether or not Combined Locks ever made NCR paper on a trial or other basis?

A I don't recall that.

Q Okay. Do you know whether or not up through about 1971 whether or not Combined Locks ever supplied Appleton Paper with base paper that included NCR paper using the emulsion we've been talking about?

A They did not.

MR. HARBECK: I know we're past the point.

THE WITNESS: Yeah, in about five minutes or so, I'll have to go. What company do you represent, though?

MR. HARBECK: Wisconsin Tissue Mills.

THE WITNESS: Oh, yes. You told me that.

Thank you.

BY MR. HARBECK:

Q Do you know whether or not any of the NCR broke and trim that was generated up through 1971 ever went to Wisconsin Tissue Mills?

1 A I can't -- I don't know the time frame, no.

2 Q Okay. So you don't know whether or not -- I mean, I
3 don't want to answer the question. You're not sure?

4 A That's right.

5 Q I'm going to give you some other companies and just
6 ask you, again, to focus on my time frame as 1954
7 through about mid-1971 and ask you whether or not you
8 recall whether or not any of those paper
9 manufacturers received NCR broke and trim. Okay?

10 A (Witness nods head.)

11 Q Combined Locks?

12 A I'm going to say yes. I'm not certain.

13 Q Okay. How about a company called Consolidated
14 Papers?

15 A There again, I'll say yes, but I can't confirm that.

16 Q And I'm going to give you two names under
17 Consolidated Papers. Interlake Mill in Appleton?

18 MR. WESTERFIELD: Object, lack of
19 foundation. o

20 BY MR. HARBECK:

21 Q Or the Kimberly Mill in Kimberly. Do you know which
22 one of those two, if any, received NCR broke and trim
23 during this time?

24 MR. WESTERFIELD: Objection, lack of
25 foundation.

1 THE WITNESS: I can't answer that.

2 BY MR. HARBECK:

3 Q How about Fort Howard Paper Company?

4 MR. WESTERFIELD: Same objection.

5 THE WITNESS: I can't answer that either.

6 BY MR. HARBECK:

7 Q George Whiting Paper Company?

8 MR. WESTERFIELD: Same objection.

9 THE WITNESS: I'll say yes to that. I

10 think they did, but I'm -- these are all speculation.

11 But to the best of my knowledge.

12 BY MR. HARBECK:

13 Q Green Bay Packaging?

14 MR. WESTERFIELD: Same objection.

15 THE WITNESS: I can't answer that.

16 BY MR. HARBECK:

17 Q How about the Nicolet Paper Company, De Pere?

18 ° MR. WESTERFIELD: Same objection.

19 THE WITNESS: I can't tell you that either.

20 BY MR. HARBECK:

21 Q The Thilmany Pulp & Paper Company in Kaukauna?

22 MR. WESTERFIELD: Same objection.

23 THE WITNESS: I better say I don't know,

24 because I really don't know. A lot of these

25 companies I think did get it, as I remember reading

1 in the papers and stuff, but I can't tell you what
2 time frame and that sort of thing.

3 BY MR. HARBECK:

4 Q Okay. That's fair. I know it's a while back, so I'm
5 just asking you for what you can remember.

6 A Right.

7 Q James River in Green Bay?

8 MR. WESTERFIELD: Same objection.

9 THE WITNESS: Same answer.

10 BY MR. HARBECK:

11 Q How about any Kimberly-Clark Paper Mill?

12 MR. WESTERFIELD: Same objection.

13 THE WITNESS: No, I don't know.

14 BY MR. HARBECK:

15 Q I'm going to give you names of three mills that I
16 think are associated with Kimberly-Clark. And I'll
17 just give you all three. If it's different, your
18 answer's different, let me know. Badger Globe or
19 Lakeview Paper Mill or Neenah Paper Mill.

20 MR. WESTERFIELD: Same objection.

21 THE WITNESS: No, I can't tell you. Neenah
22 I don't think would use the stuff. They -- they were
23 a fine-writing paper mill, and I don't think they
24 would use this in that.

25

1 BY MR. HARBECK:

2 Q Proctor & Gamble?

3 MR. WESTERFIELD: Same objection.

4 THE WITNESS: No, I don't know.

5 BY MR. HARBECK:

6 Q Riverside Paper?

7 MR. WESTERFIELD: Same objection.

8 THE WITNESS: I don't know.

9 BY MR. HARBECK:

10 Q U.S. Paper?

11 MR. WESTERFIELD: Same objection.

12 THE WITNESS: U.S. Paper & Supply. That
13 was the broker-dealer.

14 BY MR. HARBECK:

15 Q Right. This was a mill. U.S. Paper Mills in
16 De Pere?

17 A Oh, U.S. Paper Mills. No, I don't know.

18 Q As we're going through mills, did any other mill,
19 paper manufacturer come to mind in terms of receiving
20 NCR paper broke and trim during this 1954 through
21 '71 time frame?

22 A No.

23 Q Who would know that, as far as you know? Anybody at
24 Appleton Paper that used to work there or is there
25 now?

1 A I can't answer that, no.

2 Q Okay. Would be somebody in the department, I
3 presume, that handled the sales of the broke?

4 A I suppose.

5 Q You and I are both supposing. I don't have anything
6 else right now. Thank you.

7 MS. ARTS: I have a couple questions.

8 EXAMINATION

9 BY MS. ARTS:

10 Q Mr. Heinritz, I'm Waltraud Arts, and I represent the
11 City of Appleton.

12 A Oh, yes.

13 Q And I wanted to confirm what I thought I heard you
14 say, which is that you had no knowledge of what
15 happened to the wastewater from the Appleton plant;
16 is that correct?

17 A Yes.

18 Q Do you have any knowledge of the names of the people
19 that worked for Appleton Papers that might know the
20 answer to that question? And I would like to focus
21 your attention especially on the 1950s, 1954 to about
22 1971.

23 A No, I can't give you any names. That's --

24 Q Did Appleton Papers at some point have a department
25 that was called environmental or some similar kind of

1 name?

2 A Not in my time, no.

3 Q And your time would have ended when, sir?

4 A 1987.

5 Q Thank you.

6 A You're welcome.

7 EXAMINATION

8 BY MS. SLACK:

9 Q I do have one point of clarification. Mr. Heinritz,
10 my name is Sarah Slack. I represent Kimberly-Clark.
11 You don't have any recollection of any sales of broke
12 or trim to any Kimberly-Clark mills, correct?

13 A Not specific information, no.

14 Q Great. That's all. Thank you.

15 MR. WESTERFIELD: Anyone on the phone have
16 any?

17 MR. DOW: Actually, yes. This is Chris Dow
18 for Menasha Corporation.

19 EXAMINATION

20 BY MR. DOW:

21 Q Can you hear me?

22 A Yes.

23 Q Okay. Mr. Heinritz, you had testified earlier, you
24 had said that Appleton Coating had taken ownership in
25 the NCR paper that it coated or at least the paper it

1 coated to make NCR paper. Could you expand on what
2 Appleton's ownership interest was in that paper?

3 MR. WESTERFIELD: Objection, lack of
4 foundation.

5 THE WITNESS: Would you repeat the
6 question, please?

7 BY MR. DOW:

8 Q Earlier you testified --

9 MR. WESTERFIELD: Hold on. The court
10 reporter is going to do it.

11 (Previous question read back.)

12 THE WITNESS: Well, we bought the raw
13 stock, as we call it, from various mills, and it
14 was -- it was owned by Appleton. And then we did the
15 coating process and sold the final product to NCR
16 company.

17 BY MR. DOW:

18 Q Okay. Would it be fair to say that Appleton Coated's
19 profits were made from the sale of the NCR paper?

20 A Appleton Coated's profits?

21 Q Yes.

22 A Yes.

23 MR. WESTERFIELD: Object to the form of the
24 question.

25 THE WITNESS: Yes, we -- we got our profits

1 from the sale of the NCR paper.

2 BY MR. DOW:

3 Q Okay. And to your knowledge, would it also be fair
4 to say that NCR was also profiting from the sale of
5 that NCR paper?

6 MR. WESTERFIELD: Objection, lack of
7 foundation.

8 THE WITNESS: To my knowledge, they had a
9 lot of profits, yes.

10 BY MR. DOW:

11 Q How would you describe, if you could, the amount of
12 control Appleton Coated had over the manufacture of
13 NCR paper?

14 A We made it to very strict specifications set up by
15 NCR Company.

16 Q So is it fair to say that, to your knowledge, NCR
17 gave you the specifications, and then Appleton Coated
18 followed those specifications?

19 A Yes.

20 Q To your knowledge, did Appleton Coated have any input
21 into those specifications?

22 A No.

23 Q Are you sure about that?

24 A Well, we were dealing with them all the time, and
25 they had such specifications according to what was

1 possible in the manufacturing. We developed the
2 manufacturing process for this encapsulation baby
3 that they came up with. And they had -- the best
4 thing they could do with it that they found was to
5 make paper out of it. NCR no-carbon-required paper.
6 And they had to work closely with the developers,
7 which was Meade and Appleton, to develop the
8 processes that would make this into a product.

9 Q Okay. So it's your testimony now that Appleton
10 Coated worked closely with NCR to manufacture this
11 paper?

12 A Yes.

13 Q Okay. That's all I have. Thank you.

14 EXAMINATION

15 BY MR. WESTERFIELD:

16 Q I have two. Do you recall any instances where
17 carbonless broke was land-filled or thrown out with
18 the plant trash?

19 A No.

20 Q And you said a little -- a minute ago you thought it
21 was possible that broke from the Appleton -- Appleton
22 Coated Paper Company may have been sent to Combined
23 Locks. Why did you say that? What's the basis for
24 you saying that?

25 A Some of our broke was sent to Combined Locks?

1 Q That's what I thought I heard you say before. Is
2 that not true?

3 A I think they did recycle a little of it, but I -- I
4 don't -- I can't give you an answer to that. I don't
5 recall specifically.

6 Q Do you recall any instances where purchasing sent
7 broke to Combined Locks or Combined Paper Mills?

8 A No.

9 Q Okay. That's all I have.

10 EXAMINATION

11 BY MR. CARLTON:

12 Q I have what I think are a very few questions. I'm
13 happy to defer to another time. My name is Mike
14 Carlton. I represent CBC. Do you know a gentleman
15 named Harry Bressers, B-R-E-S-S-E-R-S?

16 A I did, yes.

17 Q How did you know Harry Bressers?

18 A I think it was mainly social.

19 Q Did you have any professional dealings with him
20 regarding broke?

21 A I don't think so.

22 EXAMINATION

23 BY MR. HARBECK:

24 Q I missed one company when I was asking the laundry
25 list of the companies, whether or not you had any

1 recollection of NCR broke and trim ultimately going
2 to this particular paper manufacturer here in the
3 1954 to 1971 period. And the company I forgot to ask
4 you about was the John Strange Paper Mill.

5 A John Strange?

6 MR. WESTERFIELD: Same objection as before,
7 lack of foundation.

8 THE WITNESS: Can't help you. I don't
9 know.

10 MR. HARBECK: Don't know. Okay. Thank
11 you.

12 (Deposition concluded at 12:52 p.m.)

13 (Original exhibits attached to original transcript.)

14 (Copies of exhibits attached to copies of transcript.)



1 STATE OF WISCONSIN)
2) SS:
3 MILWAUKEE COUNTY)
4

5 I, Sarah A. Hart, RPR/RMR/CRR and
6 Notary Public in and for the State of Wisconsin, do
7 hereby certify that the preceding deposition was
8 recorded by me and reduced to writing under my
9 personal direction.

10 I further certify that said deposition
11 was taken at 720 Eisenhower Drive, Kimberly,
12 Wisconsin, on the 28th day of January, 2009,
13 commencing at 9:51 a.m.

14 I further certify that I am not a
15 relative or employee or attorney or counsel of any of
16 the parties, or a relative or employee of such
17 attorney or counsel, or financially interested
18 directly or indirectly in this action.

19 In witness whereof, I have hereunto
20 set my hand and affixed my seal of office on this
21 28th day of January, 2009.

22
23 SARAH A. HART, RPR/RMR/CRR
Notary Public

24 My commission expires October 2nd, 2011
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Transforming Transactions
into Relationships

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